



**MOORE COUNTY PLANNING BOARD  
THURSDAY, DECEMBER 5, 2019 6:00 PM  
MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> FLOOR**

**CALL TO ORDER – 6 PM**

**INVOCATION – (Member Volunteer)**

**PLEDGE OF ALLEGIENCE – (Member Volunteer)**

**MISSION STATEMENT – (Member Volunteer)**

**I. PUBLIC COMMENT PERIOD (*Procedures are attached*)**

**Please sign up on the Public Comment Sign In sheet near the door**

**II. APPROVAL OF CONSENT AGENDA**

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of November 7, 2019
- C. Consideration of Abstentions

**III. PUBLIC HEARINGS**

- 1. General Use Rezoning Request: Neighborhood Business (B-1) to Rural Agricultural (RA)- Dervin Spell**
- 2. General Use Rezoning Request: Neighborhood Business (B-1) to Residential and Agricultural-20 (RA-20)–Dervin Spell**
- 3. General Use Rezoning Request: Highway Commercial (B-2) to Gated Community – Seven Lakes (GC-SL)-Dervin Spell**
- 4. General Use Rezoning Request: Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40)-Theresa Thompson**
- 5. General Use Rezoning Request: Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20)-Theresa Thompson**
- 6. General Use Rezoning Request: Residential and Agricultural-20 (RA-20) & Residential and Agricultural-40 (RA-40) to Public and Conservation (PC)- Theresa Thompson**

**IV. PLANNING DEPARTMENT REPORTS - Debra Ensminger**

**V. BOARD COMMENT PERIOD - Chairman**

**VIII. UPCOMING EVENTS**

- **Thursday, January 2, 2020 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**
- Tuesday, January 7, 2020 10:30AM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- Wednesday, January 15, 2020 Board of Commissioners Special Meeting Winter Work Session
- Tuesday, January 21, 2020 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage

**III. ADJOURNMENT**

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **give** to the County.*

*Please see attached procedures for the Public Comment Period and public comment during Public Hearing*

**PUBLIC COMMENT PROCEDURES  
MOORE COUNTY PLANNING BOARD**

*The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:*

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 3. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 6. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 7. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 8. Any applause will be held until the end of the Public Comment Period.*
- 9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 10. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 11. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

*Adopted on the 4<sup>th</sup> day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.*

## **MOORE COUNTY PLANNING BOARD PUBLIC HEARINGS PROCEDURES**

*The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:*

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

*Adopted on the 5<sup>th</sup> day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board*



**MINUTES**  
**MOORE COUNTY PLANNING BOARD**  
**THURSDAY, NOVEMBER 7, 2019 6:00 PM**  
**MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> FLOOR**

**Board Members Present:** Matthew Bradley, Jeffrey Gilbert, Harry Huberth (Vice Chairman), Bobby Hyman, John Matthews

**Board Members Absent:** Joe Garrison (Chairman), Eddie Nobles, John Cook

**Staff Present:** Debra Ensminger, Planning Director  
Tron Ross, County Attorney  
Theresa Thompson, Planning Supervisor  
Stephanie Cormack, Administrative Officer

**CALL TO ORDER**

Vice Chairman Harry Huberth called the meeting to order at 6:00 pm.

**INVOCATION**

Board Member Bobby Hyman offered the invocation.

**PLEDGE OF ALLEGIANCE**

Board Member Matthew Bradley led in citing of the Pledge of Allegiance.

**MISSION STATEMENT**

Board Member Jeffrey Gilbert read the Moore County Mission Statement.

**PUBLIC COMMENT PERIOD**

There was no public comment.

**APPROVAL OF THE CONSENT AGENDA**

- A. Approval of Meeting Agenda
- B. Approval of Minutes of October 3, 2019
- C. Consideration of Abstentions

Board Member Bobby Hyman made a motion for approval of the consent agenda. Board Member John Matthews seconded the motion and the motion passed unanimously 5-0.

## **PUBLIC HEARING**

**Public Hearing #1** –General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2)-Theresa Thompson

Planning Supervisor Theresa Thompson presented a request by Pete Mace for a General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) of an approximate 5.67 acre parcel, located at 6265 NC Hwy 211, owned by William A. Johnson, III Trustee, per Deed Book 2016E Page 671.

Mrs. Thompson went over the items within the packet regarding the request.

Vice Chair Huberth inquired if this request would be contingent on any Department of Transportation (DOT) driveway approvals.

Mrs. Thompson confirmed DOT would have to approve driveways associated to this request.

Applicant Pete Mace approached the podium and explained to the board they felt commercial development would be more desirable for this area based on current traffic in the area.

With no further questions from the board, Vice Chairman Huberth opened the Public Hearing.

With no further discussion or Public Comment Vice Chairman Huberth closed the public hearing.

With no further comments Board Member Bobby Hyman made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member John Matthews; motion passed unanimously 5-0 for approval.

Board Member John Matthews made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) of an approximate 5.67 acre parcel, located at 6265 NC Hwy 211, owned by William A. Johnson, III Trustee, per Deed Book 2016E Page 671. The motion was seconded by Board Member Bobby Hyman; motion passed unanimously 5-0 for approval.

**Public Hearing #2** – Moore County staff is requesting amendments to the Moore County Unified Development Ordinance - Theresa Thompson

Planning Supervisor Theresa Thompson presented to the board the requested amendments as noted within the staff report.

1. Amend Chapter 8 (Specific Use Standards), Section 8.107 (Mining, Subsection C (Restoration))

With no further questions from the board, Vice Chairman Huberth opened the Public Hearing.

With no further discussion or Public Comment Vice Chairman Huberth closed the public hearing.

Board Member Matthew Bradley made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member John Matthews; the motion passed unanimously 5-0.

Board Member Jeffrey Gilbert made a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 5-0.

## **PRESENTATION**

Kacy Cook with the Wildlife Resource Commission provided the board with a presentation on the Green Growth Tool Box, presentation attached as “Exhibit A”

Upon completion of the presentation Board Member Gilbert asked about the funding for Ms. Cook’s organization.

Ms. Cook explained funding was provided by the Pittman-Robertson Act sales of firearms and ammunition which goes into the sport fish and wildlife restoration fund as well as donations.

Mr. Gilbert mentioned the Green Growth Tool Box would be a benefit to developers and inquired why they have not pushed to use this feature.

Ms. Cook mentioned there is an education issue and getting the word out. Ms. Cook also mentioned some developers and areas are utilizing the resource.

Vice Chair Huberth thanked Ms. Cook for her efforts and mentioned he was very familiar with the Green Growth Tool box and feels it is a great tool.

## **PLANNING DEPARTMENT REPORTS**

Planning Director Debra Ensminger provided the Board with an update regarding the next Planning Board Meeting mentioning there will be six items and the need for member attendance.

## **BOARD COMMENT PERIOD**

Board Member Hyman thanked staff for their hard work.

## **ADJOURNMENT**

With no further comments Board Member Bobby Hyman made a motion to adjourn the November 7, 2019 regular meeting. The motion was seconded by Board Member John Matthews and the motion passed unanimously 5-0. The meeting adjourned at 6:30 p.m.


Respectfully submitted by,

Stephanie Cormack



## GREEN GROWTH TOOLBOX

Wildlife and Natural Resource Stewardship in Planning



Kacy Cook  
Land Conservation Biologist / GGT Coordinator  
NC Wildlife Resources Commission



### Bridging the Gap Between Wildlife Biologists & Land Use Decision Makers



Elected Officials



Biologists

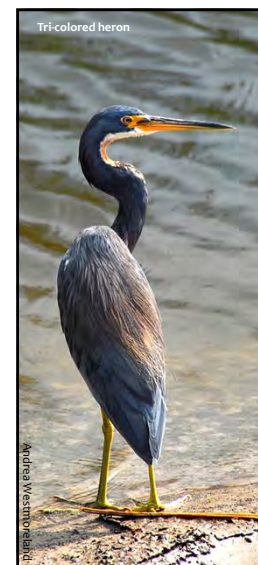


Planners &amp; Developers



## Overview

- Introduction to the Toolbox
- What are the benefits of Green Growth?
- Case Studies & Outcomes
- What you can do

A non-regulatory guide and  
technical assistance program

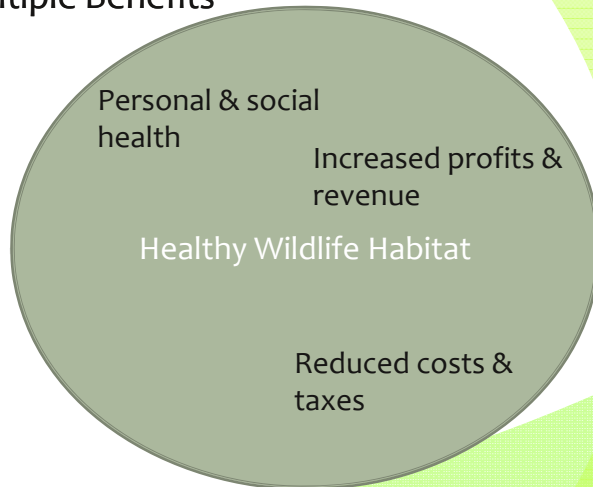


Wildlife & Natural Resource  
Stewardship in Planning

for integrating priority wildlife  
habitat conservation in

local government  
land use & transportation  
planning.

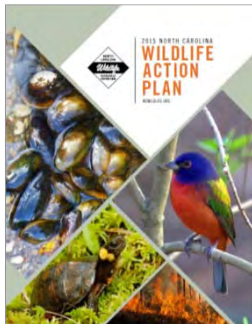
## Multiple Benefits



## Partnerships



## The Status of Wildlife in North Carolina



- 457 Species of Greatest Conservation Need
- 8 of the 21 most endangered US ecosystems
- Development **patterns** are the top threat
- Land use planning is essential to the future of our wildlife heritage.

## Our Goal

- To proactively conserve wildlife species before they become threatened.

## Our Objective

- To be a *practical* resource for local planning and development projects and for developers
- Our recommendations should work in the real world.

10.4.16

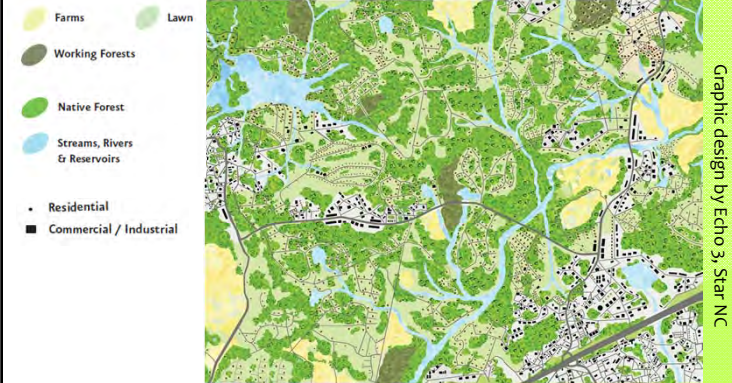


## Nat'l Assoc. of Home Builders Land Use Policy

“Allow, encourage, and incentivize more innovative developments such as cluster, infill, mixed use, higher density, and transit oriented development by offering procedural and financial incentives such as uses by right, expedited permitting, waived or reduced fees, tax credits, land aggregation, density bonuses, and alternate development standards. “

10-6-16

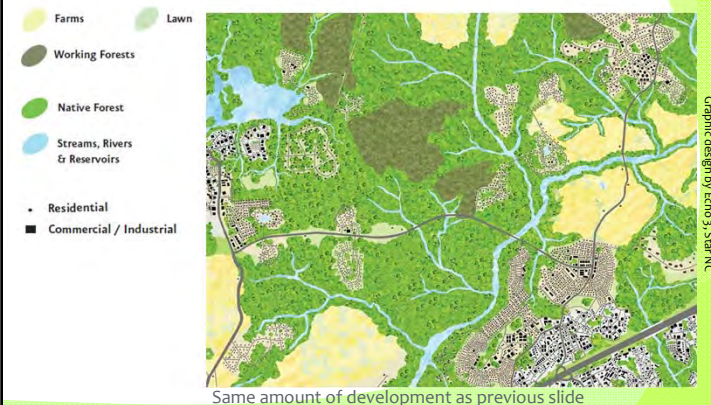
## Spread-out development patterns are the top threat.



## Spread-out development patterns cost the developer & taxpayer more

- ☞ Costs the developer:
  - \$10,000 more per lot
  - Up to 36% more overall
- ☞ Up to 26% less profit
- ☞ Home values appreciate 2.5 – 3% less per year
- ☞ Taxes are TWICE as high (Louisiana)
- ☞ 38% higher upfront infrastructure cost, 10% higher maintenance
- ☞ 10% more annually in public services

## The Toolbox can be used to increase prosperity & safeguard our wildlife & natural resources





**GREEN GROWTH**  
Cooperation, Prosperity, Community

## What is Green Growth? Minimizing Impacts

Missed opportunity

(B. L. Robinson)

**GREEN GROWTH**  
Cooperation, Prosperity, Community

## What is Green Growth? Maintaining Habitat Connectivity

Greenville, NC. Horizons 2026

bobcat

**GREEN GROWTH**  
Cooperation, Prosperity, Community

## What is Green Growth? Maintaining Habitat Connectivity

Spiny softshell turtle

Also allows for storm debris passage, so roads don't blow out.

11/18/2019

## NC communities have implemented conservation planning: Randolph Co. since 1990s

Google Earth

- 50% of developers chose
- 50% required conservation area
- 1 extra lot for each 5% above 50% conserved
- 3 acre min. lot size base density





## What is in the Green Growth Toolbox?

- Handbook
- Conservation Data
- [www.ncwildlife.org/greengrowth](http://www.ncwildlife.org/greengrowth)
- Training workshops
- Technical assistance




## Partners for Green Growth




Modest funding to assist local governments with conservation-based comprehensive plans & ordinance review.


## GGT handbook & the components of Green Growth




**GREEN GROWTH TOOLBOX**  
Wildlife and Natural Resource Stewardship for Planning  
*A Guide for Planners, Communities and Developers*

1. Justification & Benefits
2. Interpreting Conservation Data
3.  Habitat Conservation Recommendations
4. Green Planning
5. Greening Incentives in Ordinances
6. Greening Development Review & Site Design

## Economic & Societal Benefits



### GREEN GROWTH TOOLBOX HANDBOOK: SECTION 1

Summary of over 60 peer reviewed articles

## Benefit # 1. Better health all around



- Healthy ecosystems = healthy communities
  - East Carolina Univ. study – access to conserved natural areas = reduced disease in NC.
- Outdoor recreation opportunities in nature = less stress
  - Negative stress = \$300 Billion cost annually in US productivity.
- Top consideration of employers, less insurance costs.

## Stream Buffers & Low Impact Development Reduces Storm Water Run-Off & Pollution of Drinking Water



A mess



VS.

clean

- ~ %69 less fecal coliform, 71% less E.Coli bacteria
- ~ %60 less total suspended solids
- ~ %40 less Nitrogen
- ~ %81 less Lead
- It also costs less for developers & tax payers.

## Benefit # 2. Economic return: Let nature do the work

- Natural flood control & groundwater recharge
- \$33 trillion in free services worldwide every year
- \$166 million per year in nature's services from wildlife refuges on the NC Coastal Plain.



## 6. Increase Prosperity

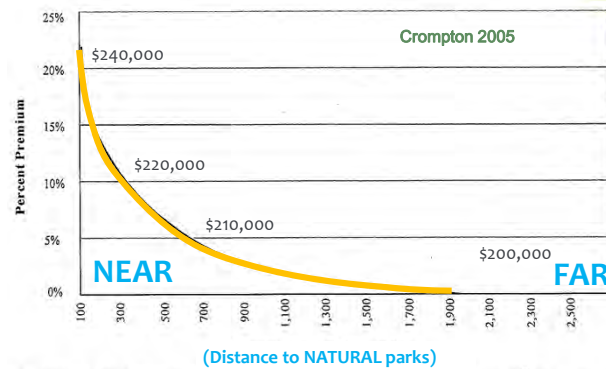
### Cost Savings, Profits & Value



- In SC **conservation** development **cost \$10,000 LESS per lot** than the cost of a conservation subdivision.
- Overall **savings of 36%**
- On average in the western US, **homes sell for 22 to 26% more.**
  - Premiums were double when 2/3 of land was conserved.
- Where many exist, homes appreciate annually 2.5 – 3% more. (community appearance)



## 6. Increase prosperity



3. Impact of proximity to parks (14 neighbourhood parks, Dallas-Fort Worth Metroplex)

Stream forests & river floodplains with greenways pay for themselves.

## 8. Reduce Costs

- Concentrating growth in city and town centers – annual savings:

- \$110 billion - road construction
- \$12 billion - water and sewer infrastructure
- \$4 billion - other public services



Benefits of Green Growth

## Cost of Services vs. Payment

Payment for \$1 received in public services



The Cost of Community Services in Catawba County, Mitch Renkow, North Carolina State University, September 2013

## 2/3 of our **crop pollination** comes from native bees and insects

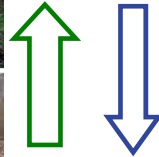
~ 500 bee species in NC



Native pollinators are declining along with our natural habitats & are also susceptible to colony collapse.

## Benefits of Green Growth

### 8. Reduce Costs



Lower water  
treatment  
costs

- Every 10% increase in forests and properly managed grassland = a 20% reduction in water treatment costs.
- New York City has saved over 6 Billion by conserving land in the Catskills.

## Low Impact Development

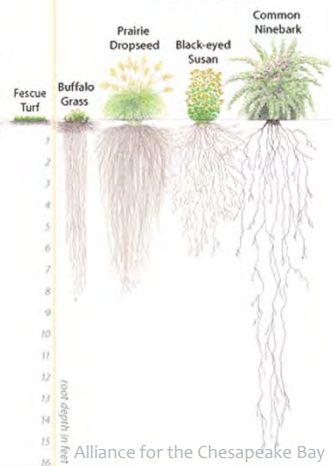
- Treat stormwater onsite
- With land & plants
- No extensive grading, curb & gutter
- Peak shopping day parking on grass has saved companies millions.
- 15 – 85% cost savings



## Non-Natives



## Natives



Alliance for the Chesapeake Bay

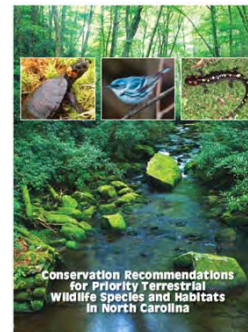
## Toolbox Handbook Section 3: HABITAT CONSERVATION RECOMMENDATIONS

### Green Growth Toolbox Science Delivery

Scientific literature



Official NCWRC Habitat  
Conservation  
Recommendations







## OUTCOMES: USE OF THE GREEN GROWTH TOOLBOX BY COMMUNITIES



Wildlife & Natural Resource  
Stewardship in Planning


11/18/2019



## OUTCOMES

- Since late 2009
- Over 600 trained
- From:
  - Over 125 local governments
  - 13 Regional Councils of Government
  - 37 Consulting Firms
  - 34 Conservation Organizations
- Toolbox used in 53 local plans & ordinances

## Chatham County Watershed Ordinance



Waterways & wetland delineation & buffers = those recommended by Wildlife Commission

All development

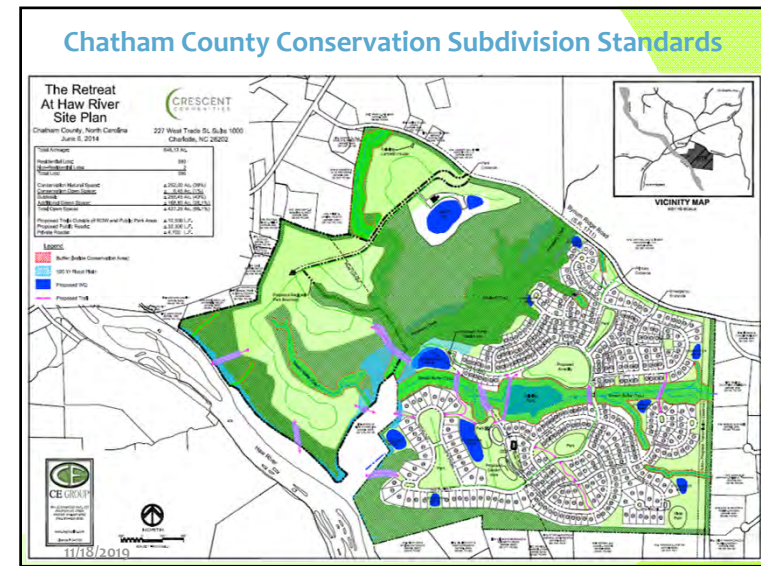
Full environmental review for >50 lots

Results experienced by the county:

Development approval was 2 months and is now in 21 days.

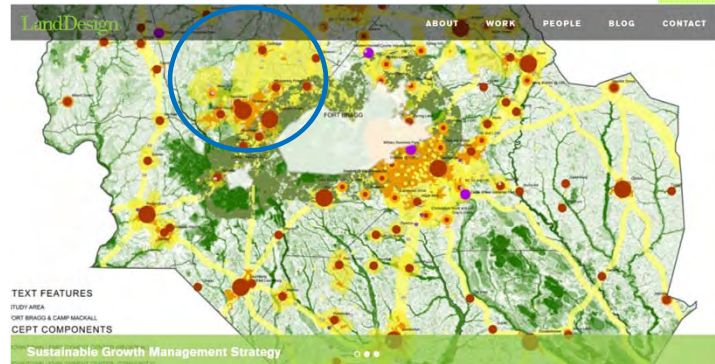
Much reduced staff time.

No complaints from developers.





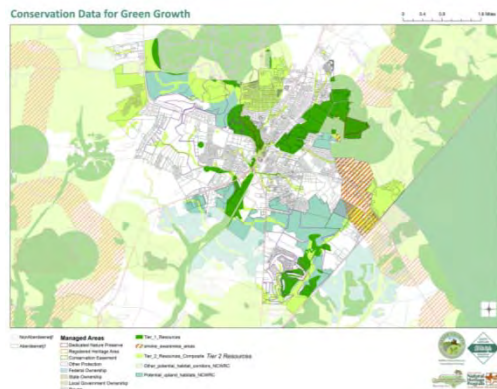
## Fort Bragg Sustainable Growth Strategy



## Moore County

1. Land use plan
2. Ordinance updates
  - a) Major subdivisions not automatically permitted
  - b) Not permitted in rural districts
  - c) Sketch plan required
  - d) 5 or more lots & must be on public water or sewer
  - e) Cell phone towers = US Fish & Wildlife standards
  - f) Exotic invasive plants prohibited, native plants encouraged

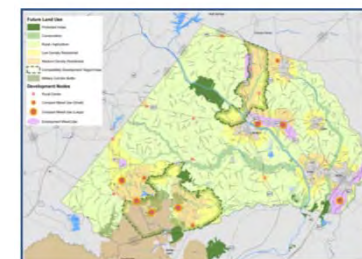
## Aberdeen



Proposals go through a non-regulatory Green Growth Assessment

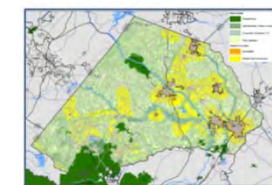
## Comprehensive plan recommendation: Scenario planning

### Preferred Scenario (PS)

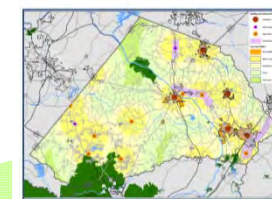


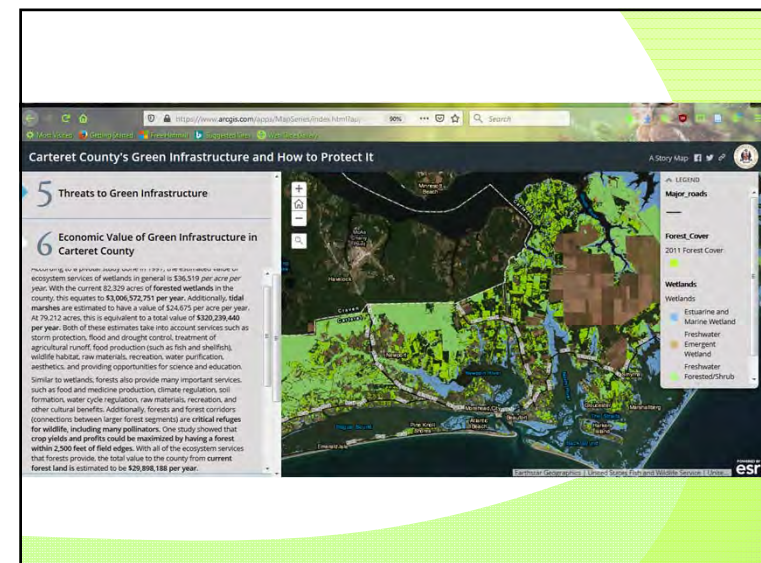
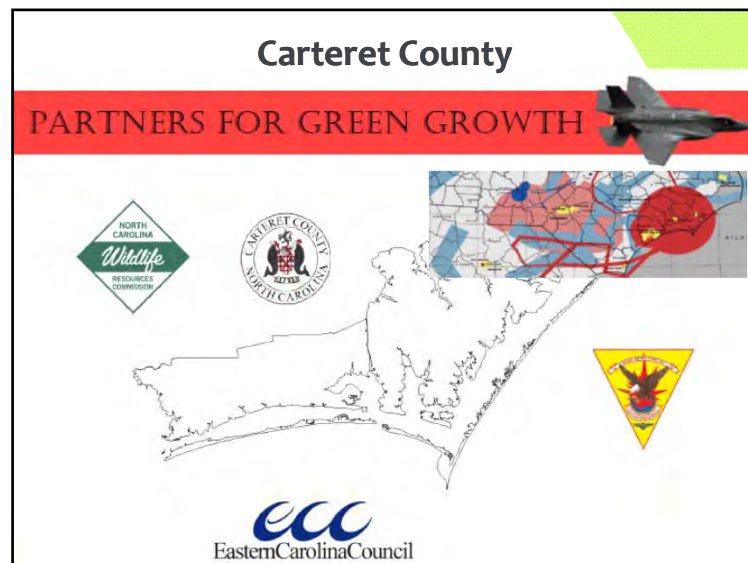
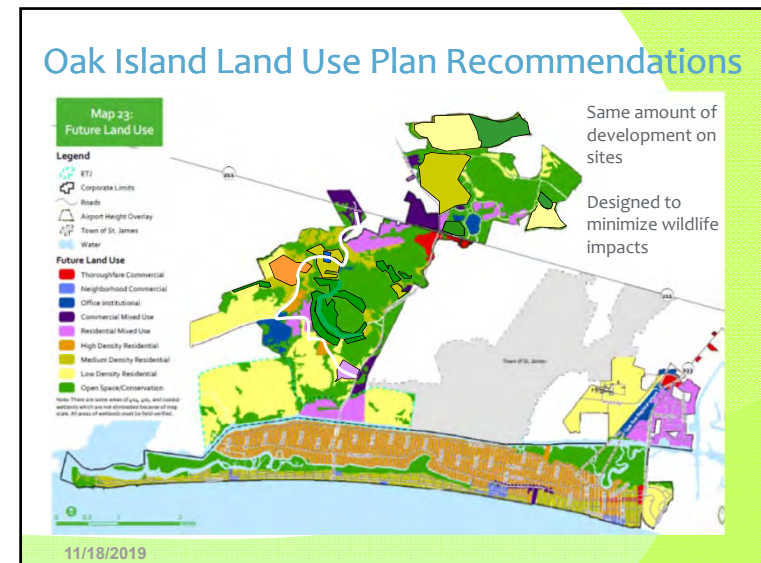
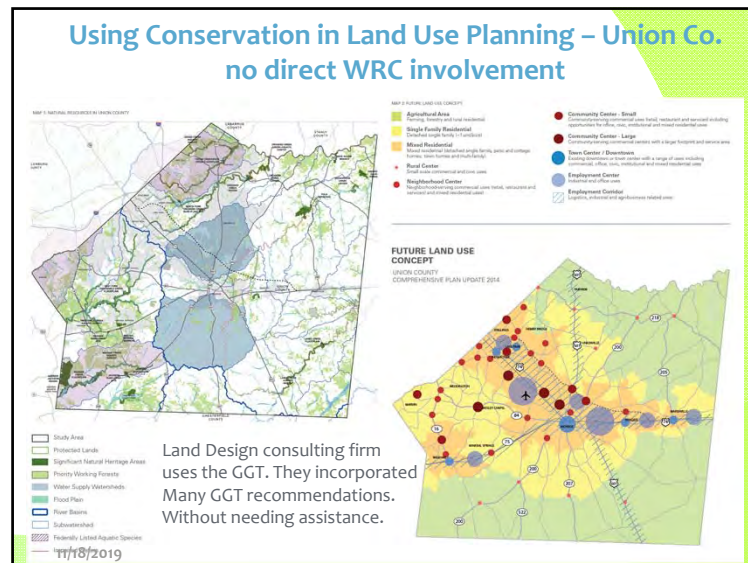
- Saved 8,000 acres of agricultural lands (which equates to \$1,000,000 in annual tax revenue)
- Reduced impacts to the Critical to Conserve lands by 50% compared to the BAU Scenario
- Increased utility demand by 2.5 MGD in Utility Focus Areas (areas easily served by sewer). This equates to \$750,000 per year in potential revenue

### Natural Assets Scenario (NA)



### Strong Towns (ST)







## What you can do

### Consider:

- NC Wildlife (me) serve on the Concept Plan Review Committee to provide information on opportunities for enhanced resource conservation.
- Supporting a Resolution of Support for use of the Toolbox by the Planning Department.
- Consider NC Wildlife recommendations for plan and ordinance updates.



[www.ncwildlife.org/greengrowth](http://www.ncwildlife.org/greengrowth)

### THANK YOU! Questions?

**Funding provided by:**

State Wildlife Grants &  
NC Tax Check-off




Donate on line #31  
to conserve wildlife.

Kacy Cook, Land Conservation Biologist  
NC Wildlife Resources Commission  
[kacy.cook@ncwildlife.org](mailto:kacy.cook@ncwildlife.org), 910-638-4887

## Toolbox Handbook Section 2: Data

## Conservation Natural Heritage Program

### Wetland Significance

- Exceptional
- Substantial
- Beneficial

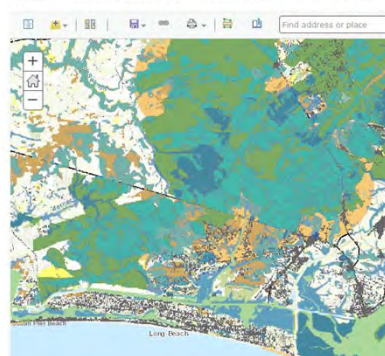
### Biodiversity and Wildlife Habitat Assessment

- 9-10 (Maximum)
- 8
- 7
- 6
- 5
- 2-4
- 1 (Moderate)
- 0 (Unrated)
- Impervious surface >20%

### CONSERVATION DATA FOR GREEN GROWTH MAP

ArcGIS Conservation Data for Green Growth

New Map



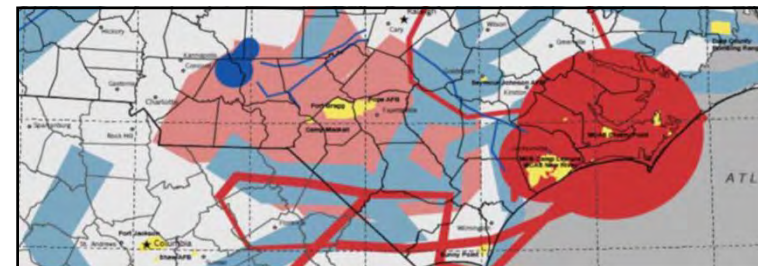
### CONTACT

30 GOVERNMENT CENTER DRIVE  
DAVID R. SANDIFER BUILDING  
FIRST FLOOR

(910) 253-2390

[GIS@BRUNSWICKCOUNTY.NC.GOV](mailto:GIS@BRUNSWICKCOUNTY.NC.GOV)

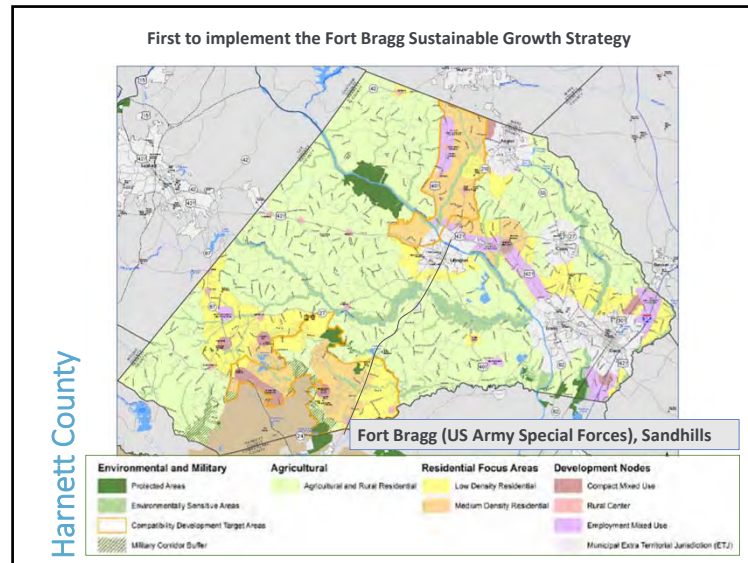
OPEN MON-FRI:  
8:30 A.M. - 5:00 P.M.



## Outcomes in the NC Sentinel Landscape

- Fort Bragg Sustainable Growth Strategy
- Moore County Land Use Plan & Ordinances
- Town of Aberdeen Land Use Plan & Development Review
- Harnett County Land Use Plan
- Pender County Land Use Plan & Ordinances
- Carteret County Partners for Green Growth Conservation Plan





**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** October 28, 2019

**SUBJECT:** General Use Rezoning Request:  
Neighborhood Business (B-1) to Rural Agricultural (RA)

**PRESENTER:** Dervin Spell

**REQUEST**

Jerry Seawell is requesting a General Use Rezoning from Neighborhood Business (B-1) to Rural Agricultural (RA) of an approximate 5.98 acre parcel, located at 2740 NC Hwy 22, Robbins, owned by Jerry Seawell, per Deed Book 918 Page 304.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

There is a single family dwelling located on the property. The existing building was originally a gift store in the 1980's, became TJ Leather Company in the 1990's, and was converted to a home in 2005.

**ZONING DISTRICT COMPATIBILITY**

The requested rezoning to Rural Agricultural (RA) is consistent with the existing uses located near the property, including single family residential. The surrounding area is Rural Agricultural (RA).

**CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

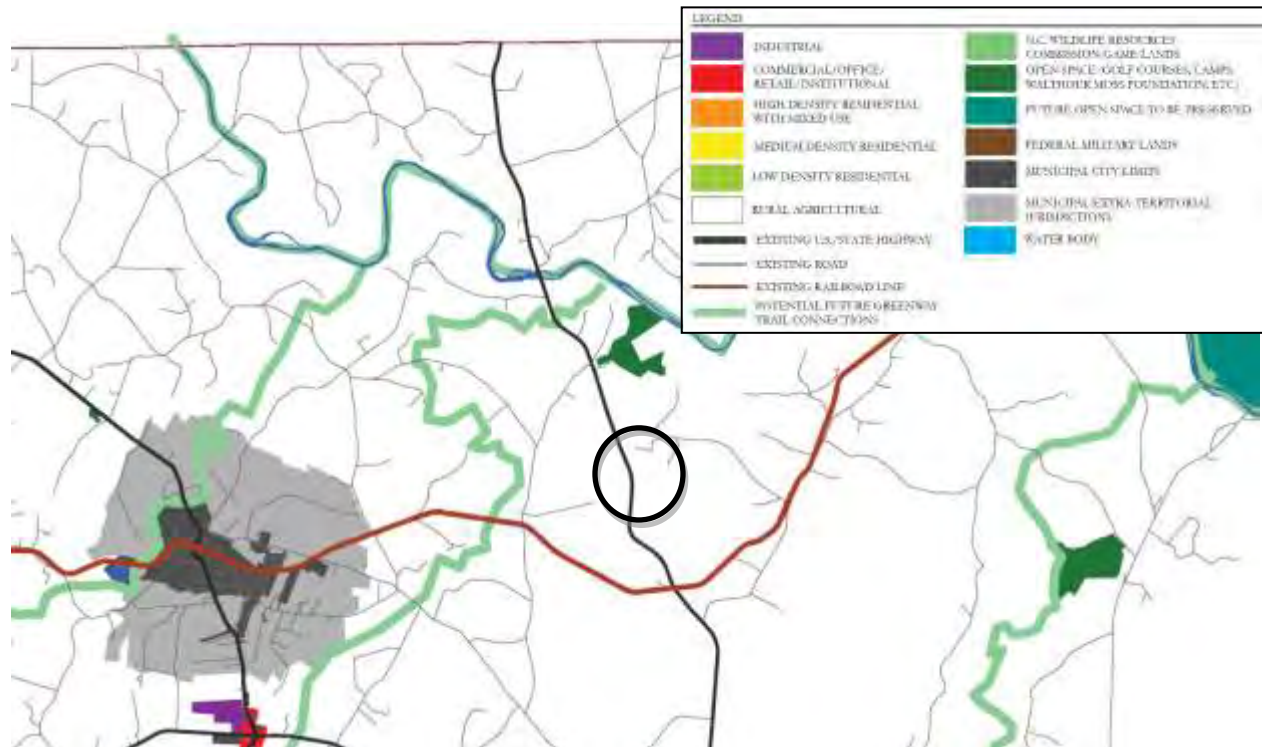
The future land use map identifies the property as Rural Agricultural Land Use Classification. The requested zoning to Rural Agricultural (RA) is compatible with the Rural Agricultural Residential Land Use Classification.

The Land Use Plan states the primary use of land in the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Major subdivisions of land are strongly discouraged; however, family subdivisions and subdivisions of four or less lots would be considered.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Recommendation 1.5: Encourage and support

development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.

### **MOORE COUNTY FUTURE LAND USE MAP**



### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to **adopt or deny** the attached Land Use Plan Consistency Statement to authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend **approval or denial** to the Moore County Board of Commissioners of the General Use Rezoning from Neighborhood Business (B-1) to Rural Agricultural (RA) of an approximate 5.98 acre parcel, located at 2740 NC Hwy 22, Robbins.

### **ATTACHMENTS**

- Pictures of Property and Adjacent Properties
- Vicinity Map, Land Use Map, Rezoning Map
- Application
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Deed Book 918 Page 304

**View of subject property from NC Hwy 22**





**View of adjacent property – 2671 NC Hwy 22**



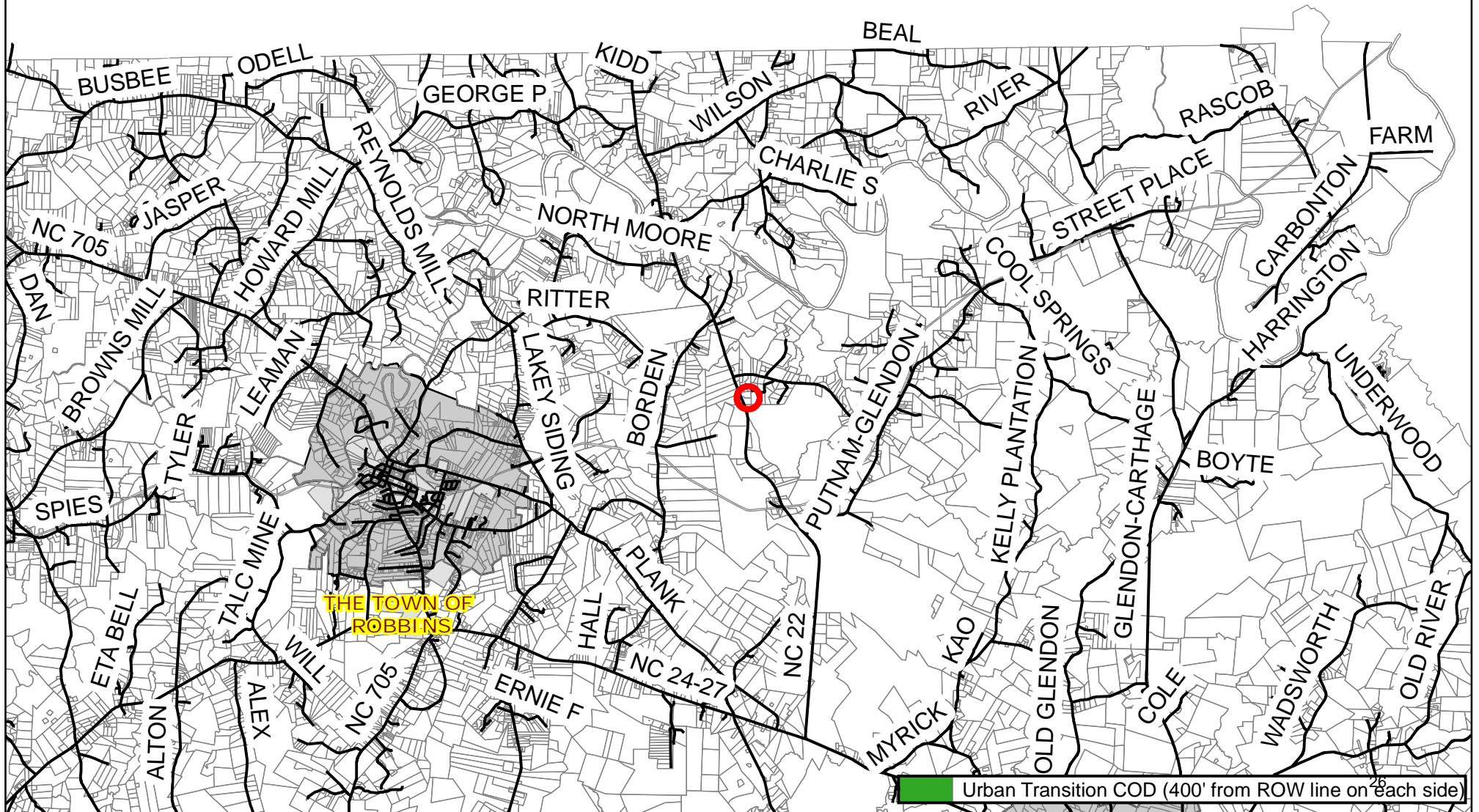
**View of NC Hwy 22 going Northbound**



# Vicinity Map

RANDOLPH COUNTY

CHATHAM COUNTY





Land Use Map

Single Family Dwelling

NC 2

Vacant

Single Family Dwellings

Manufactured Homes

PUTNAM CHURCH

Single Family Dwelling

Vacant

Vacant

Vacant

Single Family Dwelling

Vacant

Single Family Dwellings

WILEY

Manufactured Home

LICK CREEK

Vacant

Single Family Dwelling

Vacant

Single Family Dwelling

Manufactured Home

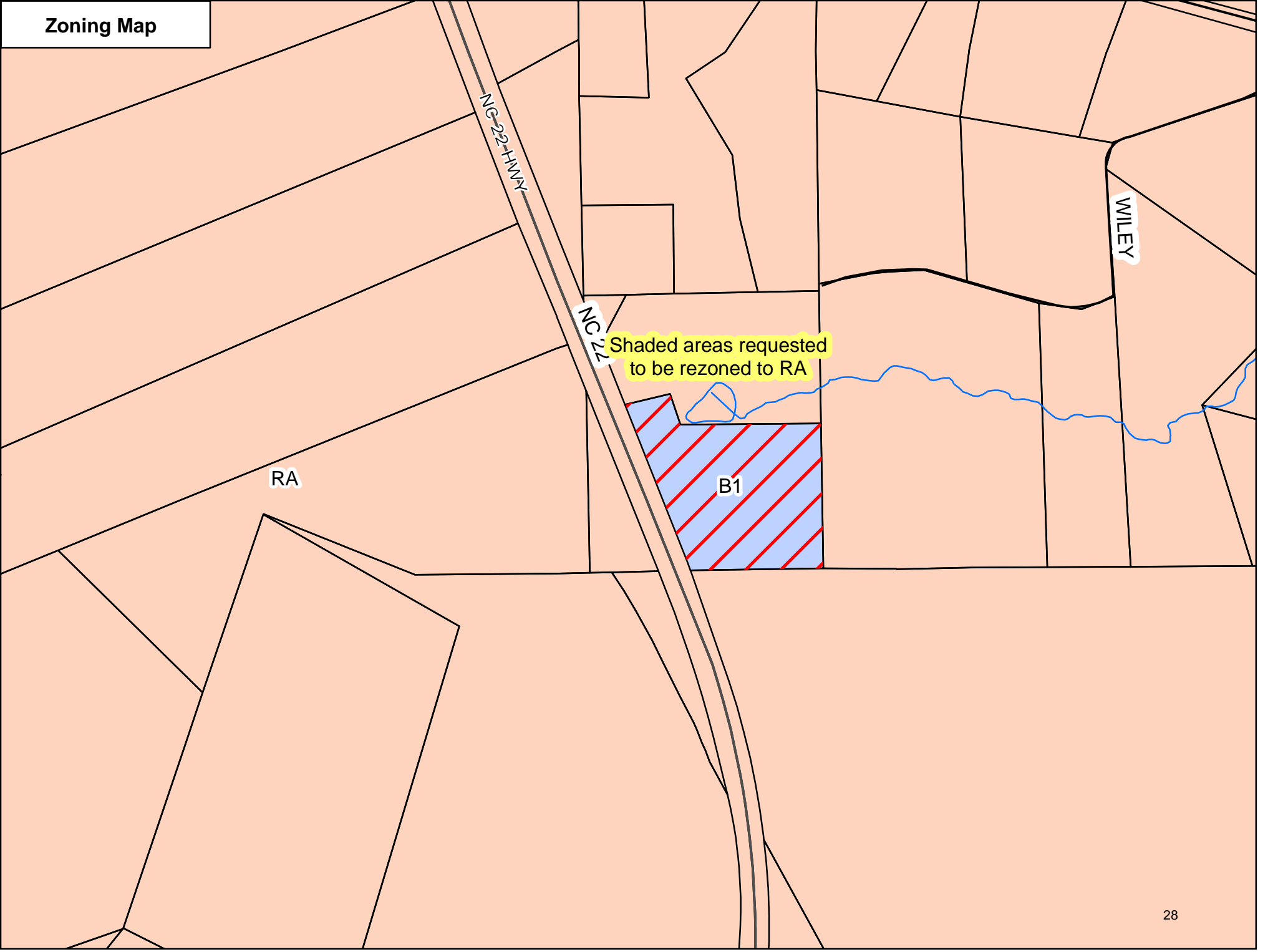
Single Family Dwelling

Vacant

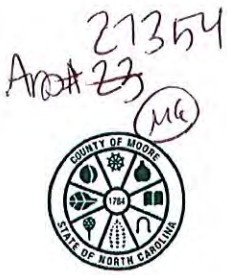
Vacant



Zoning Map







# County of Moore Planning and Transportation



Inspections/Permitting: (910) 947-2221  
Planning: (910) 947-5010  
Transportation: (910) 947-3389  
Fax: (910) 947-1303

## GENERAL USE REZONING APPLICATION

PARcel  
10001319

Application Date: 1. Oct. 19			
Location/Address of Property: 2740 NC Hwy 22			
Applicant: Jerry Wade Seawell		Phone: 910-464-2440	
Applicant Address: 2740 NC Hwy 22	City: Robbins	St: NC	Zip: 27325
Owner: Same		Phone:	
Owner Address: Same	City:	St:	Zip:
Current Zoning District: Neighboor Business		Proposed Zoning District: RA	
Comments:     			
<p>I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.</p> <p><u>Jerry Wade Seawell</u> 1. Oct. 19 Applicant/Owner Signature Date</p> <p>_____ Applicant/Owner Signature Date</p>			
Office Use Only: PAR ID: 10001319 <u>Brendan Thompson</u> 10/1/19 Received By Date			

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Neighborhood Business (B-1) to Rural Agricultural (RA)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.

2. The rezoning request is reasonable and in the public interest considering the property is located in a rural residential area where single family dwelling units are a permitted use in the Rural Agricultural Zoning District.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning from Neighborhood Business (B-1) to Rural Agricultural (RA) of an approximate 5.98 acre parcel, located at 2740 NC Hwy 22, Robbins, owned by Jerry Seawell.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Neighborhood Business (B-1) to Rural Agricultural (RA)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.

2. The rezoning request is reasonable and in the public interest considering the property is located in a rural residential area where single family dwelling units are a permitted use in the Rural Agricultural Zoning District.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning from Neighborhood Business (B-1) to Rural Agricultural (RA) of an approximate 5.98 acre parcel, located at 2740 NC Hwy 22, Robbins, owned by Jerry Seawell.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

BOOK PAGE  
00918 00304

Jun 16 2 22 PM '93

MRS. JUDITH M. WANS  
REGISTERED CLERK  
MOORE COUNTY, NC

TAX ADDRESS ✓  
RECORDING \$10.00  
STAMP  
TOTAL \$10.00 pd  
Excise Tax 0.

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.  
Verified by County on the day of 19  
by

Mail after recording to

This instrument was prepared by FRANK C. THIGPEN, THIGPEN & JENKINS, ATTORNEYS AT LAW, ROBBINS, NC

Brief description for the Index

5.98 ACRES

## NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 11th day of June, 1993, by and between

GRANTOR

GRANTEE

WILTON G. SEAWELL  
AND WIFE,  
BETTY JEAN BREWER SEAWELL

JERRY WADE SEAWELL  
2740 NORTH HWY. 22  
ROBBINS, NC 27325

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee, for the sum of \$10.00, all that certain lot or parcel of land situated in the City of RITTER Township,

MOORE County, North Carolina and more particularly described as follows:

Adjoining the lands of A&C Enterprises, Inc., Richard A. Adcox, the balance of the lands of Wilton G. Seawell and being located on the East side of N.C. Hwy. No. 22 and being further described as follows:

BEGINNING at a pine knot located in the property line of the A&C Enterprises, Inc. property described in Deed Book 635, Page 38 in the Moore County Registry, said pine knot being the southeast corner of the Wilton G. Seawell property described in Deed Book 216, Page 464 in the Moore County Registry, which this is a part; and also being a common corner with the Richard A. Adcox property described in Deed Book 869, Page 505 in the Moore County Registry; and running thence from said beginning with the A&C Enterprises, Inc. property hereinbefore described North 88 deg. 39 min. 07 sec. West 454.11 feet to an iron pipe set located on the eastern edge of N.C. Hwy. No. 22; thence with the eastern edge of N.C. Hwy. No. 22 North 19 deg. 15 min. 45 sec. West 562.99 feet to an iron pipe set, a new corner with the balance of the lands of Wilton G. Seawell; thence North 81 deg. 10 min. 51 sec. East 149.23 feet to an iron pipe set at a fence; thence along a barbed wire fence South 18 deg. 26 min. 09 sec. East 104.20 feet to an iron pipe set; thence another new line with the balance of the Wilton G. Seawell property South 89 deg. 15 min. 21 sec. East 471.40 feet to an iron pipe set, and being located in the line of the Richard Adcox property; thence with the Adcox property South 01 deg. 30 min. 00 sec. West 460.23 feet to the point and place of beginning and containing 5.98 acres more or less.

00918 00305

This description was taken from a map or plat entitled "PLAT OF 5.98 ACRES, MADE FOR JERRY W. SEAWELL, RITTER TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, DATED MAY 12, 1993 AND DRAWN BY OR UNDER THE DIRECTION OF ROBERT E. ENLOE RLS, L-3510. WITH A COPY ATTACHED HERETO AND INCORPORATED HEREIN AS IF AS FULLY SET OUT HEREON.

The property hereinabove described was acquired by Grantor by instrument recorded in .....

A map showing the above described property is recorded in Plat Book ..... page .....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....  
(Corporate Name)  
By: .....  
..... President  
ATTEST: .....  
..... Secretary (Corporate Seal)

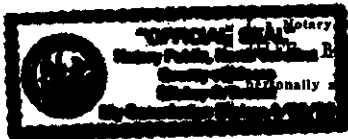
USE BLACK INK ONLY

..... (SEAL)  
(WILTON G. SEAWELL)  
..... (SEAL)  
(BETTY JEAN BREWER SEAWELL)  
..... (SEAL)  
..... (SEAL)

SEAL-STAMP

NORTH CAROLINA, .....

County.



Notary Public of the County and State aforesaid, certify that WILTON G. SEAWELL AND  
BETTY JEAN BREWER SEAWELL  
personally appeared before me this day of June, 1993  
and acknowledged the execution of the foregoing instrument. Witness my  
hand and official stamp or seal, this day of June, 1993.  
My commission expires: 04/22/96 Mickey R. Brown Notary Public

SEAL-STAMP

NORTH CAROLINA, .....

County.

I, a Notary Public of the County and State aforesaid, certify that  
personally came before me this day and acknowledged that he is Secretary of  
a North Carolina corporation, and that by authority duly  
given and as the act of the corporation, the foregoing instrument was signed in its name by its  
President, sealed with its corporate seal and attested by as its Secretary.  
Witness my hand and official stamp or seal, this day of 19.....

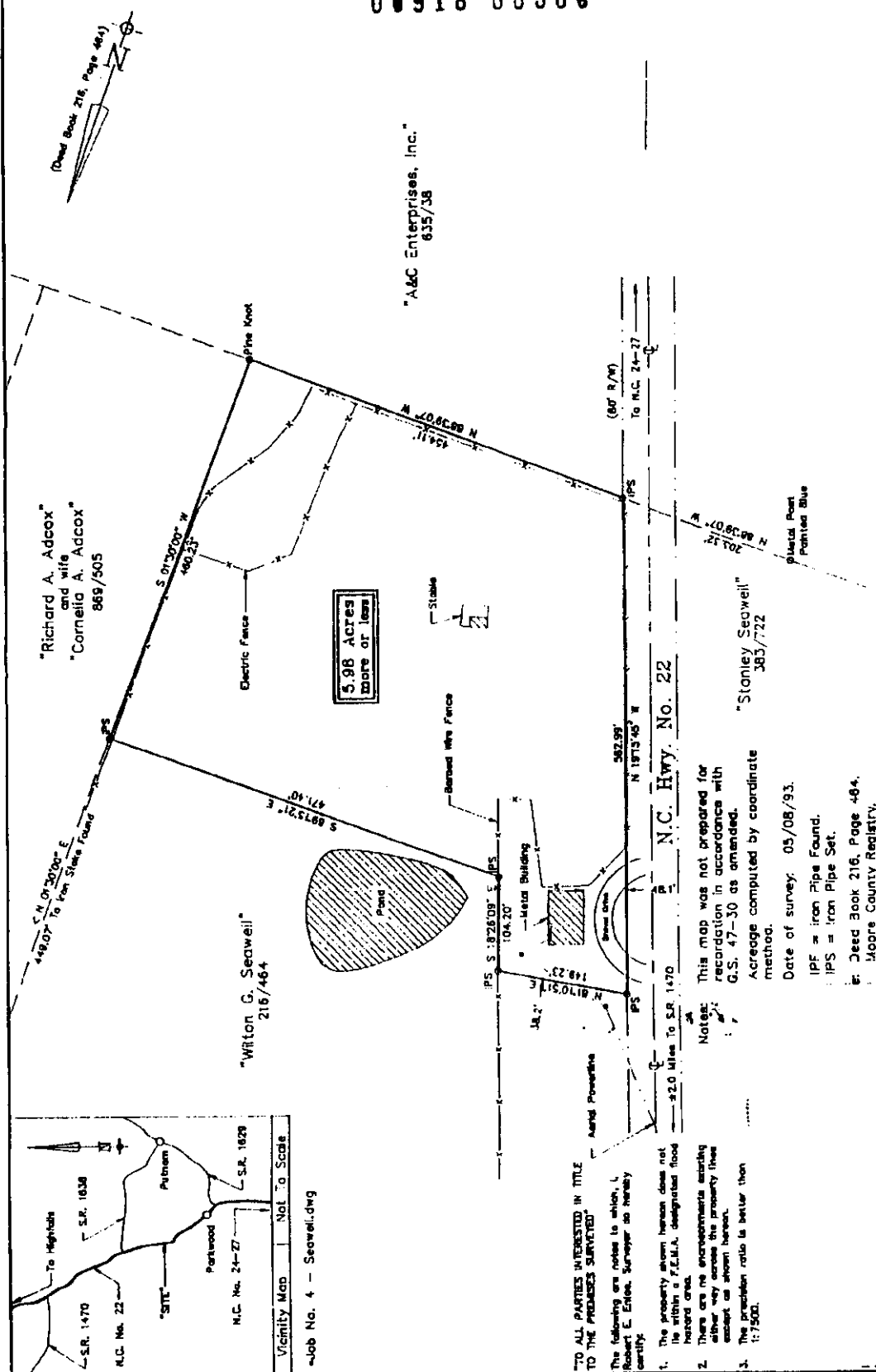
My commission expires: ..... Notary Public

North Carolina--Moore County

The foregoing Certificate(s) of Mickey R. Brown, Notary Public

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Judith M. Adams REGISTER OF DEEDS FOR Moore COUNTY  
By Deputy/Assistant - Register of Deeds



**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** October 28, 2019

**SUBJECT:** General Use Rezoning Request:  
Neighborhood Business (B-1) to Residential and Agricultural-20 (RA-20)

**PRESENTER:** Dervin Spell

**REQUEST**

Herman Mabe is requesting a General Use Rezoning from Neighborhood Business (B-1) to Residential and Agricultural-20 (RA-20) of an approximate .469 acre parcel, located at 3650 Murdocksville Rd, on the corner of Murdocksville Road and Juniper Lake Road, West End, owned by Herman Mabe, per Deed Book 5019 Page 201.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

There is a single family dwelling located on the property. One of the rooms was utilized as an office space previously. Adjacent properties include three single family dwellings and the “Juniper Lake Place” which comprises of several businesses.

**ZONING DISTRICT COMPATIBILITY**

The requested rezoning to Residential and Agricultural-20 (RA-20) is consistent with the existing uses located near the property, including single family residential. The surrounding area is zoned a mixture of Residential and Agricultural-20 (RA-20) and Highway Commercial (B-2).

**CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The future land use map identifies the property as Rural Agricultural Land Use Classification. The requested zoning to Residential and Agricultural-20 (RA-20) is not compatible with the Rural Agricultural Residential Land Use Classification.

The Land Use Plan states the primary use of land in the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Major subdivisions of land are strongly discouraged; however, family subdivisions and subdivisions of four or less lots would be considered.

The Unified Development Ordinance states the principal use of land in the Residential and Agricultural (RA-20) and (RA-40) Districts is for single family dwellings, duplexes and

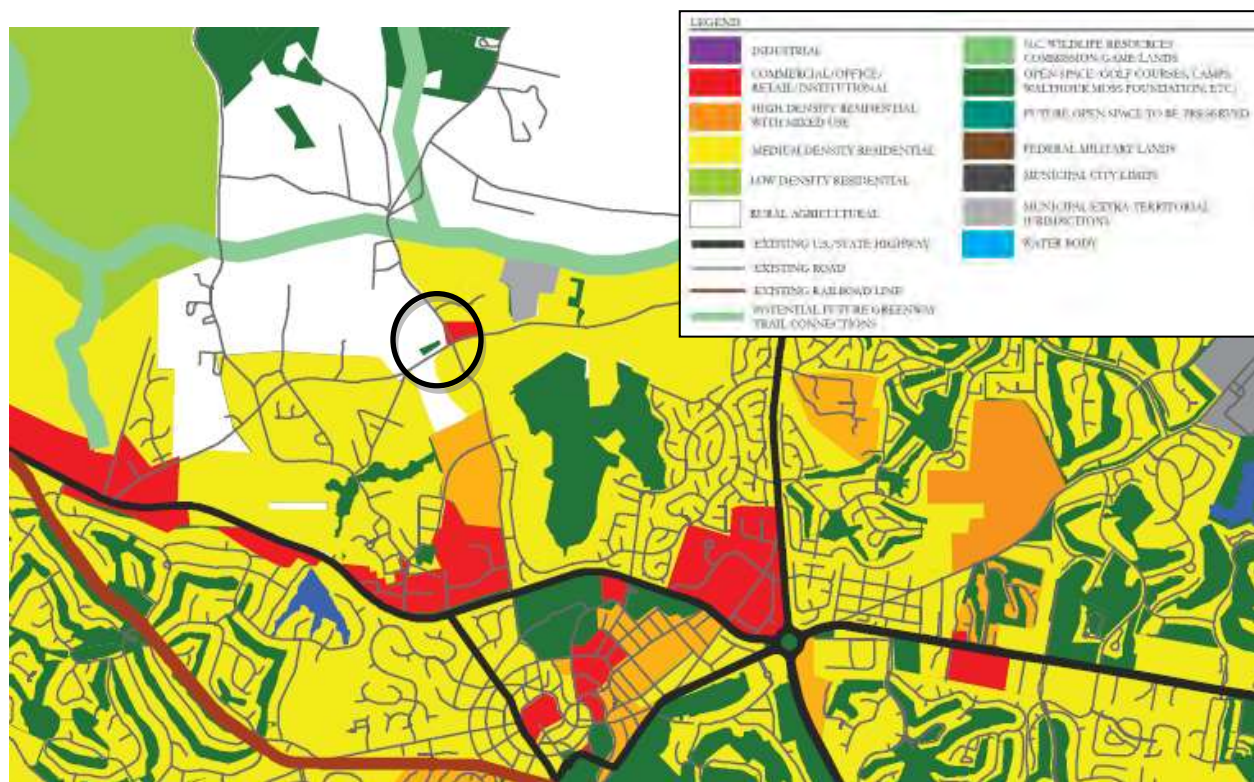


agricultural use and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

The site is located adjacent to the Moore County Medium Density Residential Land Use Classification, as indicated by the yellow color on the map below. It is also located adjacent to Taylortown and Pinehurst. Therefore, if the rezoning request is approved, staff recommends updating the Land Use Map to reclassify this site to the Medium Density Residential Land Use Classification.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Goal 3.1: Maximize accessibility among living, working, and shopping areas and Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

### **MOORE COUNTY FUTURE LAND USE MAP**



### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to **adopt or deny** the attached Land Use Plan Consistency Statement to authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341. As specified in the Land Use Plan Consistency Statement, a declaration of approval is also deemed an amendment to the Land Use Plan.



**Motion #2:** Make a motion to recommend **approval or denial** to the Moore County Board of Commissioners of the General Use Rezoning from Neighborhood Business (B-1) to Residential and Agricultural-20 (RA-20) of an approximate .469 acre parcel, located at 3650 Murdocksville Rd, on the corner of Murdocksville Road and Juniper Lake Road, West End.

**ATTACHMENTS**

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Application
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Deed Book 5019 Page 201

**View of subject property from Murdocksville Road**



**View of property across Juniper Lake Road – 3660 Murdocksville Rd**



**View of intersection going southbound in Murdocksville Road**



**View of property across Murdocksville Road – 3625 Murdocksville Rd**





**View of Murdocksville Road going northbound**

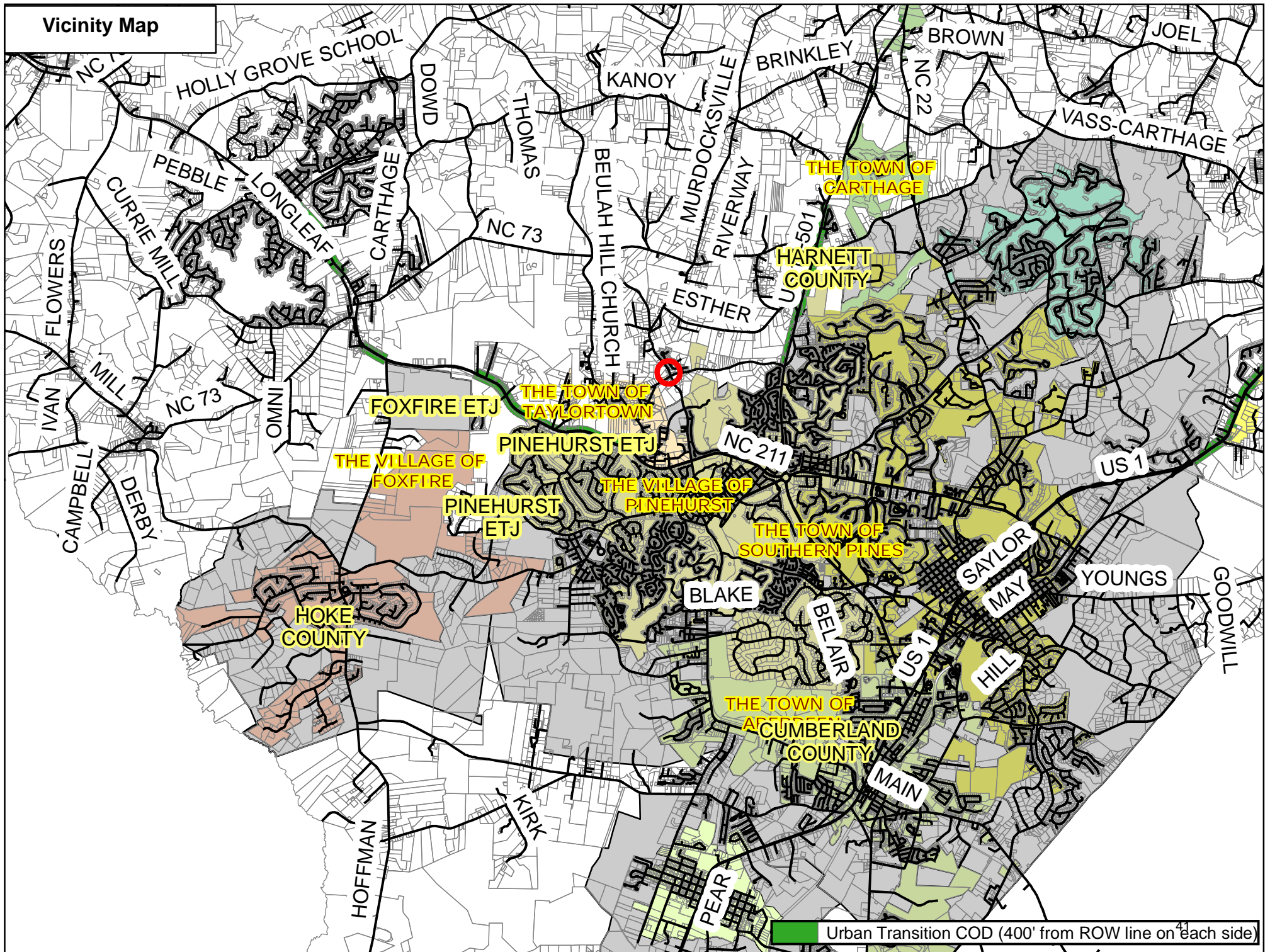


**View of adjacent property – 3628 Murdocksville Rd**





Vicinity Map



Urban Transition COD (400' from ROW line on each side)



Land Use Map





Zoning Map

RA-40

RA-20

B-2

RA-20

B1

R-20

THE TOWN OF  
TAYLORTOWN

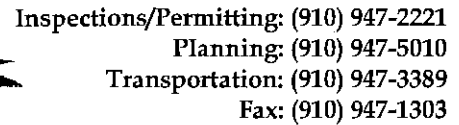
JUNIPER LAKE

MURDOCKSVILLE

Shaded areas requested  
to be rezoned to RA-20

RA-20

RA-40



APP # 27565

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Neighborhood Business (B-1) to Residential and Agricultural-20 (RA-20)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. Approval of the rezoning request is also deemed an amendment to the Land Use Plan Future Land Use Map by reclassifying the site to the Medium Density Residential Land Use Classification.

3. The rezoning request is reasonable and in the public interest considering the property is located adjacent to an existing highway, other developed residential properties, has access to public water, and is in close proximity to Taylortown and Pinehurst providing practicality, easy access, and reduced travel times.

4. Contributing factors in the rezoning approval is that the existing building is a single family dwelling.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning from Neighborhood Business (B-1) to Residential and Agricultural-20 (RA-20) of an approximate .469 acre parcel, located at 3650 Murdocksville Rd, on the corner of Murdocksville Road and Juniper Lake Road, West End, owned by Herman Mabe, per Deed Book 5019 Page 201.



---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Neighborhood Business (B-1) to Residential and Agricultural-20 (RA-20)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. The proposed rezoning is not reasonable and not in the public interest because the property is located adjacent to other commercially zoned properties.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning from Neighborhood Business (B-1) to Residential and Agricultural-20 (RA-20) of an approximate .469 acre parcel, located at 3650 Murdocksville Rd, on the corner of Murdocksville Road and Juniper Lake Road, West End, owned by Herman Mabe, per Deed Book 5019 Page 201.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

August 7, 2018 3:35:28 PM

Book: 5019 Page: 201 - 202 #Pages: 2

Fee: \$26.00 NC Rev Stamp: \$92.00

Instrument # 2018011571

**NORTH CAROLINA  
GENERAL WARRANTY DEED**

Excise Tax: \$92.00

Brief Description: Lots 11 & 12, J. M. Brown Subdivision

Parcel ID: 00029891

Mail after recording to: Paul B. Trevarrow, PLLC

This instrument was prepared by: Paul B. Trevarrow, PLLC, 760C NW Broad St., Southern Pines, NC 28387

THIS DEED made this 19<sup>th</sup> day of July, 2018 by and between

**GRANTOR**

**James Tony McKenzie, unmarried**  
3512 Murdocksville Road  
West End, NC 27376

**GRANTEE**

**Herman Aldene Mabe**  
3614 Murdocksville Road  
West End, NC 27376

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land and more particularly described as follows:

Being all of Lot Nos. 11 and 12 of the J.M. Brown Subdivision near Pinehurst, N.C., a map or plat of which is duly recorded in Book 2, Page 23, in the Office of the Register of Deeds of Moore County, North Carolina.

This conveyance is made subject to enforceable reservations, easements, restrictions and covenants of record, matters shown on the above plat, ad valorem taxes for the current year, and zoning or other municipal ordinances.



All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 1384, Page 356, Moore County Registry.

The above described property ☐ does ☒ does not include the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year first above written.

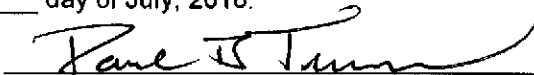
  
James Tony McKenzie

NORTH CAROLINA, MOORE COUNTY

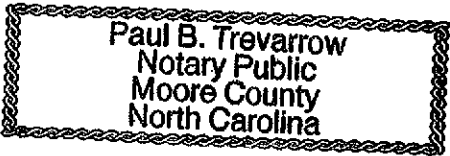
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: James Tony McKenzie.

Witness my hand and official stamp or seal, this the 19<sup>th</sup> day of July, 2018.

My Commission Expires: 12-12-2019

  
Notary Public

**PLEASE MAKE SURE  
YOUR SEAL IS LEGIBLE  
AND IS PLACED IN AN  
UNOBSTRUCTED AREA**



**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** October 28, 2019

**SUBJECT:** General Use Rezoning Request:  
Highway Commercial (B-2) to Gated Community – Seven Lakes (GC-SL)

**PRESENTER:** Dervin Spell

**REQUEST**

Seven Lakes West Landowners Association is requesting a General Use Rezoning from Highway Commercial (B-2) to Gated Community – Seven Lakes (GC-SL) of an approximate 14.01 acre parcel (Plat Cabinet 18 Slide 267), located adjacent to the Boat & RV Storage Facility near Longleaf Drive in Seven Lakes West, owned by Eifort Place, LLC, per Deed Book 4576 Page 10.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

The property is currently undeveloped. Adjacent properties include a Boat and RV Storage facility and Community Center.

**ZONING DISTRICT COMPATIBILITY**

The requested rezoning to Gated Community – Seven Lakes (GC-SL) is consistent with the existing uses located near the property, including single family residential. The surrounding area is zoned Highway Commercial (B-2) and Gated Community – Seven Lakes (GC-SL).

**CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

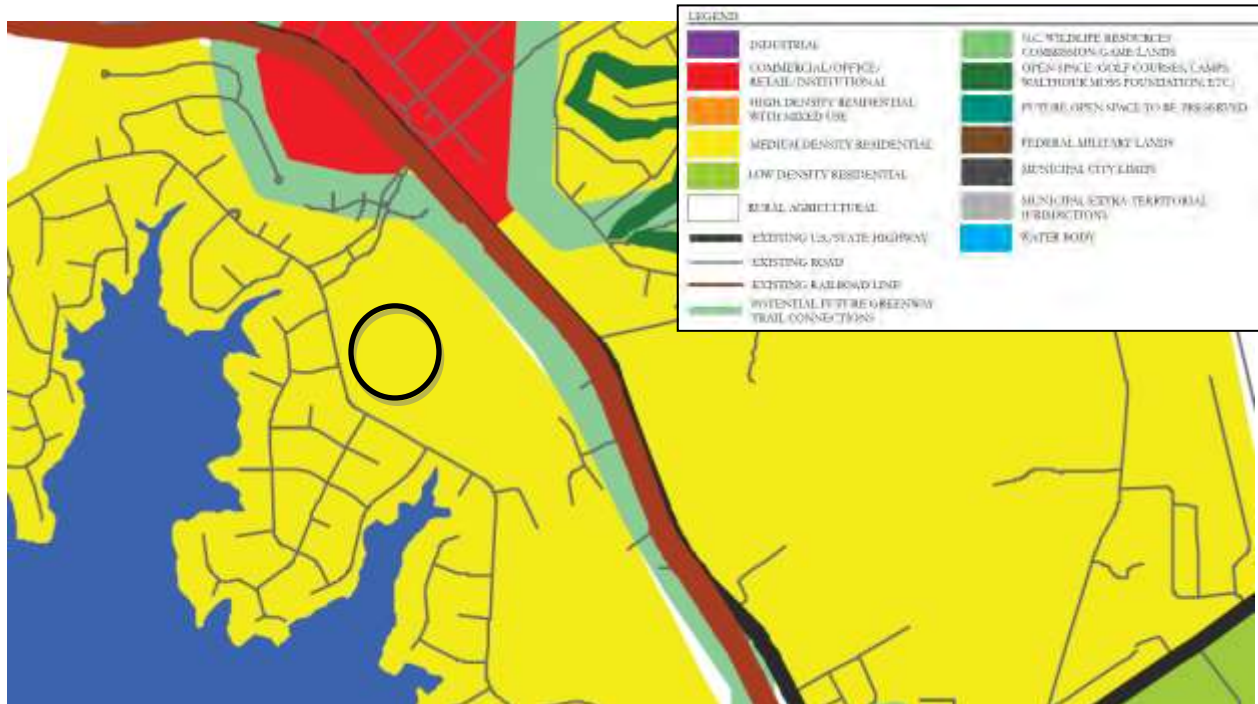
The future land use map identifies the property as Medium Density Residential Land Use Classification. The requested zoning to Gated Community – Seven Lakes (GC-SL) is compatible with the Medium Density Residential Land Use Classification.

The Land Use Plan states the primary use of the Medium Density Residential Land Use Classification is a density 2 (two) to 4 (four) dwellings per acre, single family detached or attached. Housing may include a mixture of dwelling types, including single-family detached, duplex, patio home, semi-detached/attached dwelling, multi-family, or townhouse. This may also include certain non-residential neighborhood supportive uses such as schools, daycares, churches and others. Density would require engineered sewerage disposal systems. Public infrastructure and facilities such as roads, water, sewer, schools, fire/rescue, open space, and must be adequate to accommodate the development. The public service providers in the proximity of these areas

shown on the Future Land Use Map shall consider extending, upgrading and/or preserving infrastructure in these locations.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Goal 3.1: Maximize accessibility among living, working, and shopping areas and Action 3.4.2: Encourage mixed-use developments along existing and planned infrastructure to reduce transportation needs.

### **MOORE COUNTY FUTURE LAND USE MAP**



### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to **adopt or deny** the attached Land Use Plan Consistency Statement to authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend **approval or denial** to the Moore County Board of Commissioners of the General Use Rezoning from Highway Commercial (B-2) to Gated Community – Seven Lakes (GC-SL) of an approximate 14.01 acre parcel (Plat Cabinet 18 Slide 267), located adjacent to the Board & RV Storage Facility near Longleaf Drive in Seven Lakes West.

## **ATTACHMENTS**

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Application
- Plat Cabinet 18 Slide 267
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Quitclaim Deed Book 4576 Page 10



**View of subject property from driveway off of Longleaf Drive**

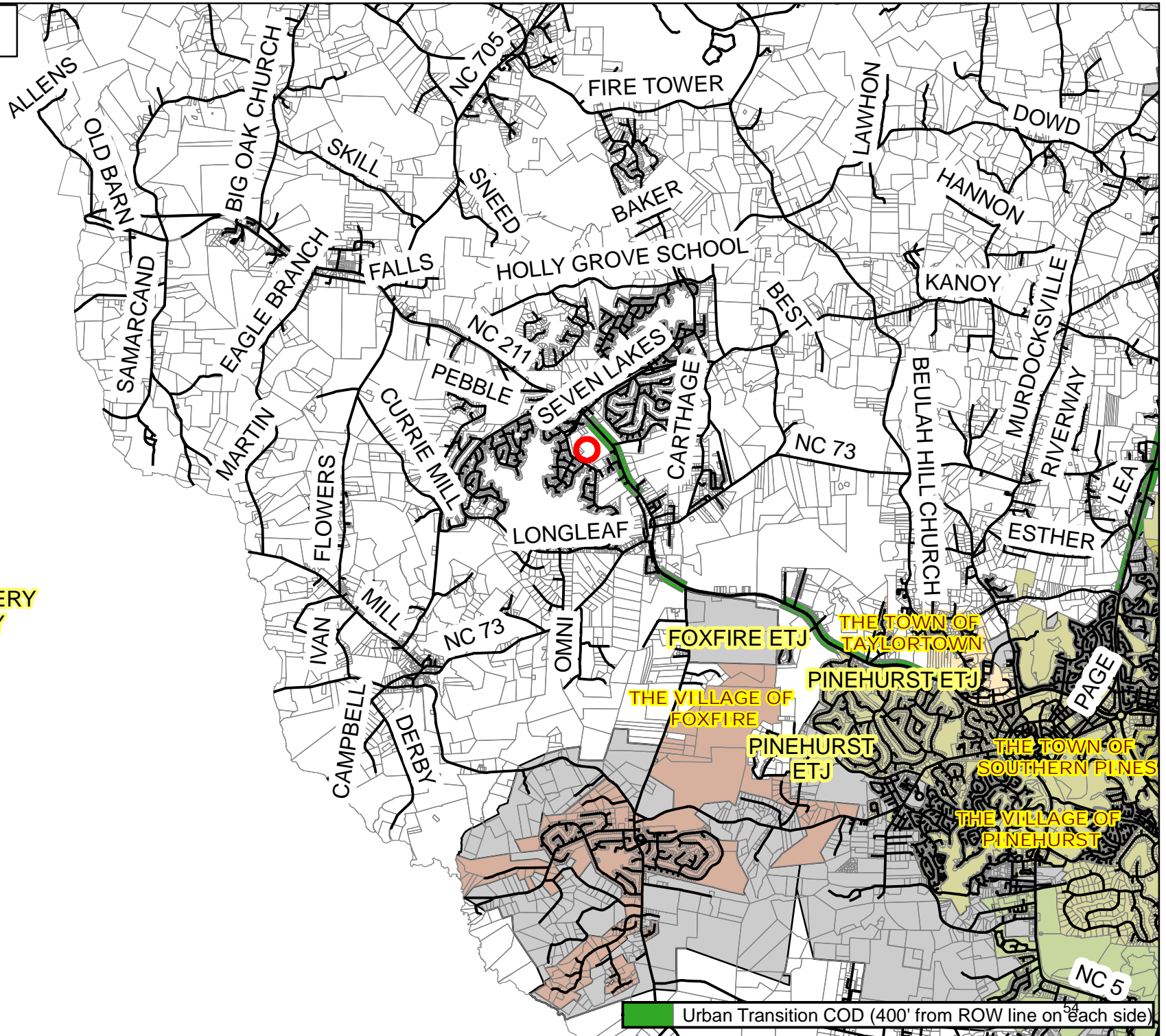


**View of Longleaf Drive from Boat & RV Storage Facility**



Vicinity Map

MONTGOMERY  
COUNTY

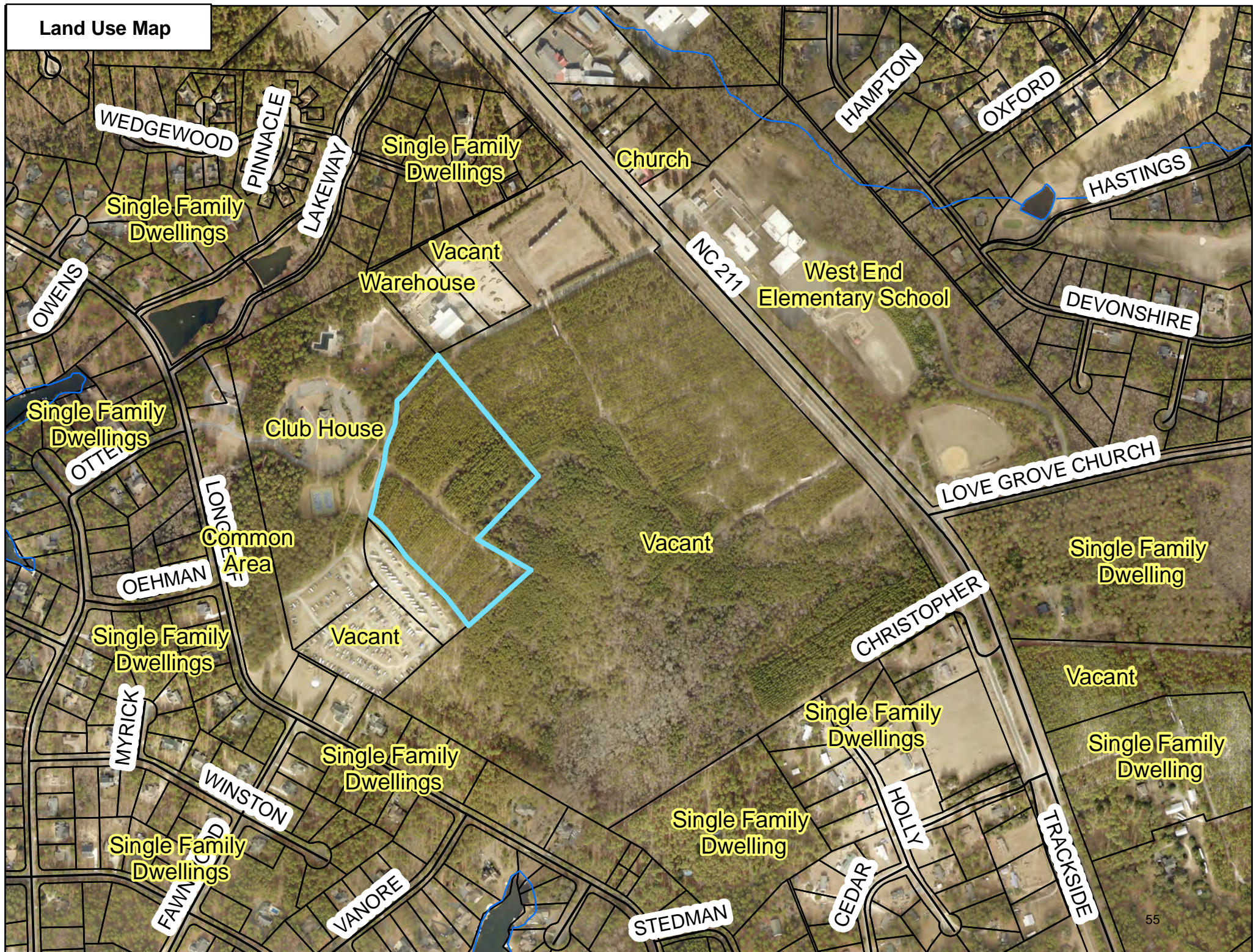


Urban Transition COD (400' from ROW line on each side)

PAGE

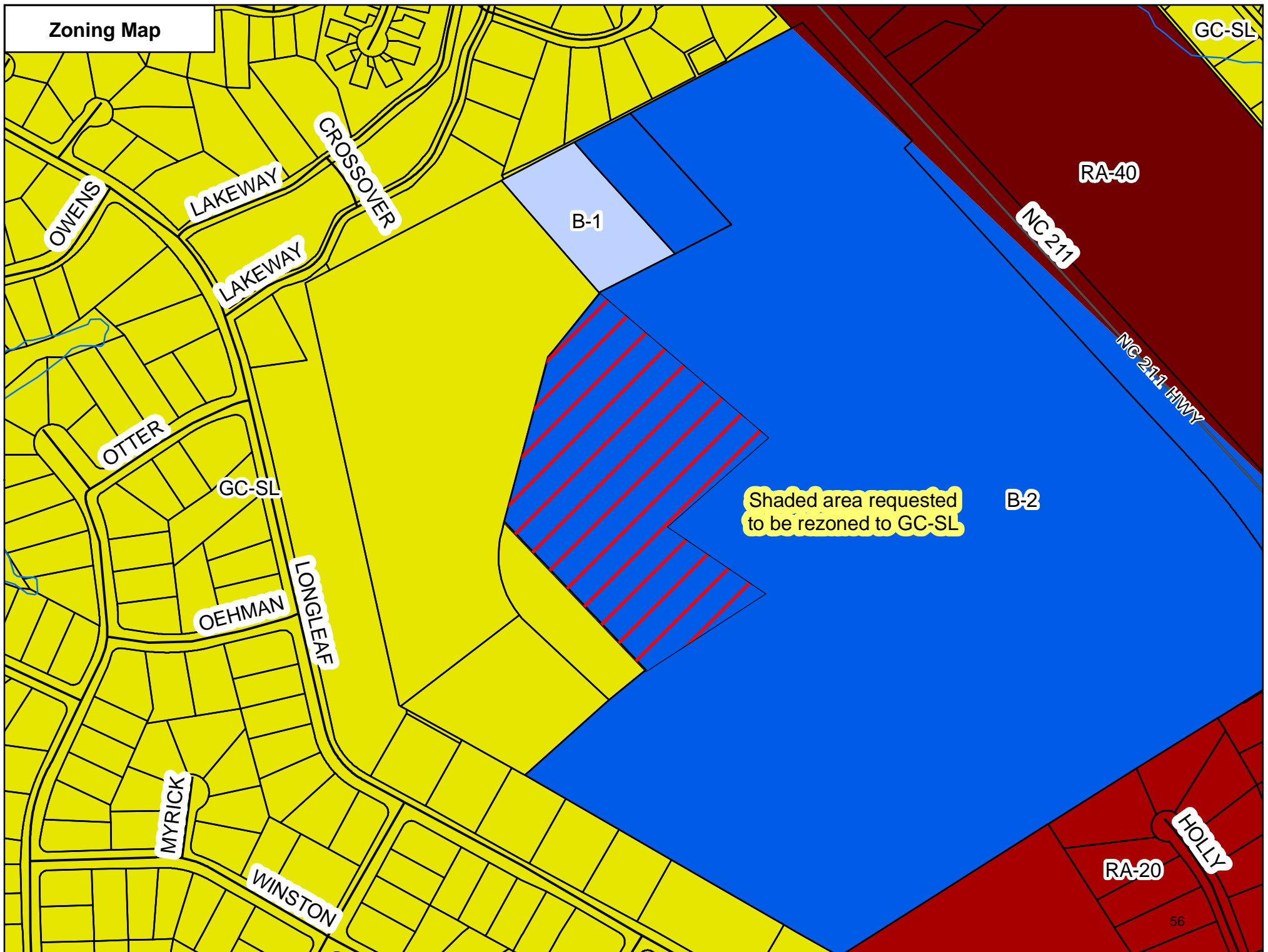


Land Use Map





Zoning Map





# County of Moore Planning and Transportation



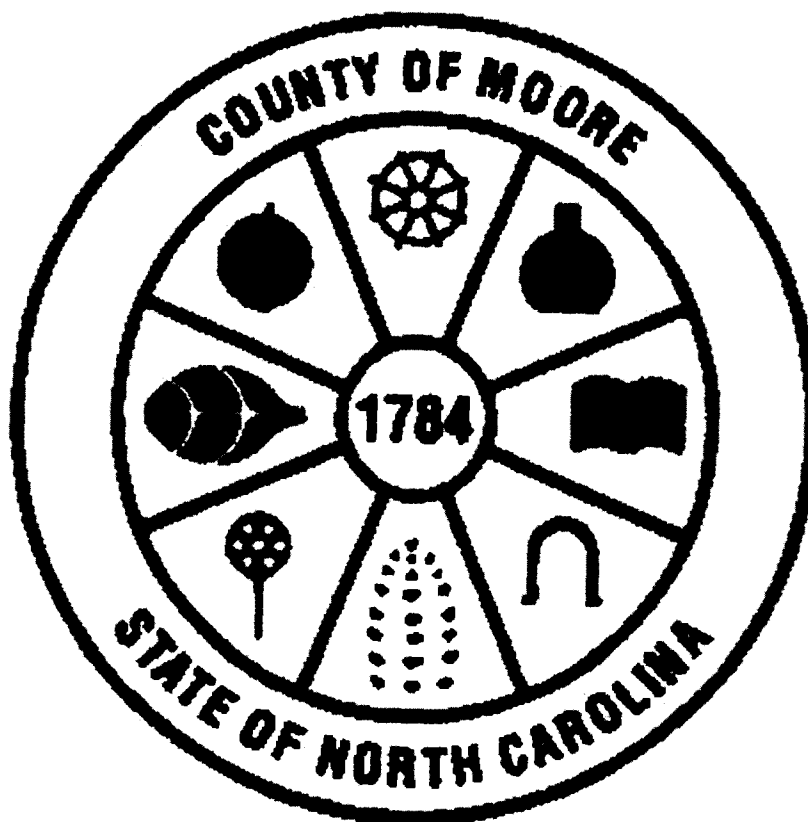
Inspections/Permitting: (910) 947-2221  
 Planning: (910) 947-5010  
 Transportation: (910) 947-3389  
 Fax: (910) 947-1303

## GENERAL USE REZONING APPLICATION

APP# 27557

Application Date: <u>October 16, 2019</u>			
Location/Address of Property: <u>4474 N.C. 211</u> <u>Parcel-00022608</u>			
Applicant: <u>Seven Lakes West Landowners Assoc., Vice President of the Board</u> <u>Ryan Fox</u>			Phone: <u>910-549-6387</u>
Applicant Address: <u>5314 Seven Lakes West</u>	City: <u>West End</u>	St: <u>NC</u>	Zip: <u>27376</u>
Owner: <u>EIFFORT PLACE, LLC</u>			Phone: <u>(910) 695-6652</u>
Owner Address: <u>PO Box 349 / 4474 NC 211</u>	City: <u>WEST END</u>	St: <u>NC</u>	Zip: <u>27376</u>
Current Zoning District: <u>B-2</u>	Proposed Zoning District: <u>GC-SL</u>		
Comments:     			
<p>I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.</p>			
<u>[Signature]</u> Applicant/Owner Signature			<u>10/16/19</u> Date
<u>[Signature]</u> Applicant/Owner Signature			<u>10/15/19</u> Date
Office Use Only:			
PAR ID: <u>00022608</u>			
<u>[Signature]</u> Received By			<u>10/18/2019</u> Date





**Judy D. Martin**

**Register of Deeds**

**Moore County, North Carolina**

**MAP**

FOR REGISTRATION REGISTER OF DEEDS  
Judy D. Martin  
Moore County, NC  
October 16, 2019 10:29:55 AM  
Book 18 Page 267-267  
FEE: \$21.00  
INSTRUMENT # 2019015416



**INSTRUMENT # 2019015416**

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request from**  
**Highway Commercial (B-2) to Gated Community – Seven Lakes (GC-SL)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals in the 2013 Moore County Land Use Plan:

Goal 3: Optimize the Uses of Land Within the County of Moore.

- Recommendation 3.1: Maximize accessibility among living, working, and shopping areas.
  - Action 3.1.1: Adopt policies that encourage development of mixed land uses, as appropriate, to provide easy access, reduce travel time, and improve convenience among uses surrounding the County's established towns and villages.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.
  - Action 3.4.2: Encourage mixed-use developments along existing and planned infrastructure to reduce transportation needs.

2. The rezoning request is reasonable and in the public interest because the properties are owned by Seven Lakes Landowners Association and has direct access to Longleaf Drive which affords the land to be utilized by the Seven Lakes community.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning from Highway Commercial (B-2) to Gated Community – Seven Lakes (GC-SL) of an approximate 14.01 acre parcel (Plat Cabinet 18 Slide 267), located adjacent to the Board & RV Storage Facility near Longleaf Drive in Seven Lakes West, owned by Eifort Place, LLC, per Deed Book 4576 Page 10.

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Joe Garrison, Chair  
Moore County Planning Board

---

Date



**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request from**  
**Highway Commercial (B-2) to Gated Community – Seven Lakes (GC-SL)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals in the 2013 Moore County Land Use Plan:

Goal 3: Optimize the Uses of Land Within the County of Moore.

- Recommendation 3.1: Maximize accessibility among living, working, and shopping areas.
  - Action 3.1.1: Adopt policies that encourage development of mixed land uses, as appropriate, to provide easy access, reduce travel time, and improve convenience among uses surrounding the County's established towns and villages.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.
  - Action 3.4.2: Encourage mixed-use developments along existing and planned infrastructure to reduce transportation needs.

2. The rezoning request is not reasonable and not in the public interest because the properties are located near Hwy 211 which is better suited for commercial development.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning from Highway Commercial (B-2) to Gated Community – Seven Lakes (GC-SL) of an approximate 14.01 acre parcel (Plat Cabinet 18 Slide 267), located adjacent to the Board & RV Storage Facility near Longleaf Drive in Seven Lakes West, owned by Eifort Place, LLC, per Deed Book 4576 Page 10.

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Joe Garrison, Chair  
Moore County Planning Board

---

Date

FOR REGISTRATION REGISTER OF DEEDS

Judy D. Martin  
Moore County, NC

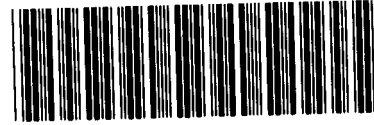
November 25, 2015 11:10:10 AM

Book 4576 Page 10-12

FEE: \$26.00

INSTRUMENT # 2015016098

4m



INSTRUMENT # 2015016098

**QUITCLAIM DEED**

Prepared by: Daniel C. Bruton  
 After recording return to:  
 Bell, Davis & Pitt, P.A.  
 P. O. Box 21029  
 Winston-Salem, NC 27120-1029

Brief description for the Index:

THIS DEED made as of this 17<sup>th</sup> day of November, 2015, by and between:

<b>GRANTOR</b>	<b>GRANTEE</b>
BRANCH BANKING AND TRUST COMPANY P.O. Box 1847 Wilson, NC 27894	EIFORT PLACE, LLC PO Box 349 West End, NC 27376

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

**WITNESSETH**, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise, release, convey, and forever quitclaim unto the Grantee, his heirs and/or successors and assigns, all right, title, claim and interest of the Grantor in and to a certain lot or parcel of land lying and being in Moore County, North Carolina, and more particularly described as follows:

**See Exhibit A attached hereto.**

The above described property is not the primary residence of the Grantor.

To have and to hold the aforesaid lot or parcel of land and all privileges thereunto belonging to him, the Grantee, his heirs and/or successors and assigns, free and discharged from all right, title, claim or interest of the Grantor or anyone claiming by, through or under him.

This instrument may be executed in two or more counterparts, each of which shall be deemed an original but all which together, shall constitute one in the same instrument.

IN TESTIMONY WHEREOF, the Grantor has caused this deed to be executed as of the day and year first above written.

Branch Banking and Trust Company

By: Abdul Labi  
SENIOR VICE President

Dekalb County, Georgia

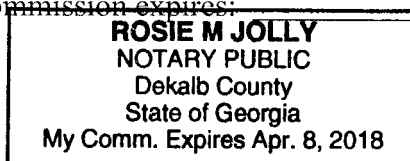
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated herein and in the capacity indicated: Abdul Labi, as Senior Vice President, Branch Banking and Trust Company.

Date: 11-17-15

(Official Seal)

Rosie Jolly  
Official Signature of Notary  
Rosie Jolly  
Notary's printed or typed name, Notary Public

My commission expires:



## EXHIBIT A

BEGINNING at an iron pipe, the northeast corner of a 243.70 acre tract as described in a Deed dated August 11, 1978, from A. Allan McDonald and his wife, et al to Longleaf, Inc., recorded in Book 436, Page 602, Moore County Registry, the same being located North Carolina grid related bearings S 62-20-58 W 1822.81 feet from the beginning corner of the third tract of the A. Allan McDonald property recorded in Deed Book 130, Page 5, Moore County Registry, and is further shown on a plat of the Seven Lakes West boundary recorded in Plat Cabinet 1, Slide 162, Moore County Registry; running thence S 13-03-00 E 1420.79 feet to an iron pipe; thence S 60-51-00 E 1630.11 feet to an iron pipe in the line of Longleaf, Inc. (formerly Puckett); thence N 57-52-32 E 1971.42 feet to an iron pipe located in the west right of way of the Aberdeen Brairpatch Railroad; thence with the right of way N 32-37-28 W 521.40 feet to an iron pipe; thence N 43-03-28 W 524.80 feet to an iron pipe; thence crossing the right of way of the railroad; N 80-00-32 E 95.46 feet to an iron pipe located in the west right of way of North Carolina Highway 211; thence with the west right of way of North Carolina Highway 211, N 46-15-57 W 1068.98 feet to an iron pipe; thence S 47-42-56 W 79.74 feet to an iron pipe in the west right of way line of the Aberdeen Brairpatch Railroad; thence N 42-17-02 W 615.80 feet; thence S 62-20-58 W 1832.21 feet to the BEGINNING, containing 143 acres, more or less. This description was taken from a preliminary boundary survey prepared by Central Carolina Surveyors, P.A. for Allan McDonald.

This conveyance is made SUBJECT to an easement recorded in Deed Book 403, Page 872, Moore County Registry.

SAVE AND EXCEPT THOSE PARCELS PREVIOUSLY CONVEYED INCLUDING THE FOLLOWING:

### Parcel One

A certain tract or parcel of land containing 2.99 acres, more or less, as described in Deed Book 403, Page 866, Moore County Registry.

### Parcel Two:

A certain tract or parcel of land containing 20.37 acres, more or less, as referenced in Deed Book 1097, Page 136, Moore County Registry.

### Parcel Three:

Tract Three as referenced in Deed Book 2848, Page 179, Moore County Registry.

### Parcel Four:

A certain tract or parcel of land containing 2.12 acres, more or less, as referenced in Deed Book 3204, Page 267, Moore County Registry.



**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** October 28, 2019

**SUBJECT:** General Use Rezoning Request:  
Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40)

**PRESENTER:** Theresa Thompson

**REQUEST**

David Upchurch is requesting a General Use Rezoning from Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40) of 3 properties: ParID 00042817 (app. 6.09 acres), ParID 00042818 (app. 171.12 acres), and ParID 20000498 (app. 15.03 acres) the total being approximately 192.24 acres, located adjacent to and south of Lobelia Road and adjacent to and to the east of Wright Road, Vass, owned by Jonathan Foster (Deed Book 3850 Page 360, Deed Book 4146 Page 374, and Deed Book 1671 Page 422).

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

The property currently includes 2 single family dwelling units. One dwelling units is occupied.

**ZONING DISTRICT COMPATIBILITY**

The requested rezoning to Residential and Agricultural-40 (RA-40) is consistent with the existing uses located near the property, including single family residential. The surrounding area is zoned Rural Agricultural (RA) and Neighborhood Business (B-1).

**CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The future land use map identifies the property as Rural Agricultural Land Use Classification. The requested zoning to Residential and Agricultural-40 (RA-40) is not compatible with the Rural Agricultural Residential Land Use Classification.

The Land Use Plan states the primary use of land in the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Major subdivisions of land are strongly discouraged; however, family subdivisions and subdivisions of four or less lots would be considered.

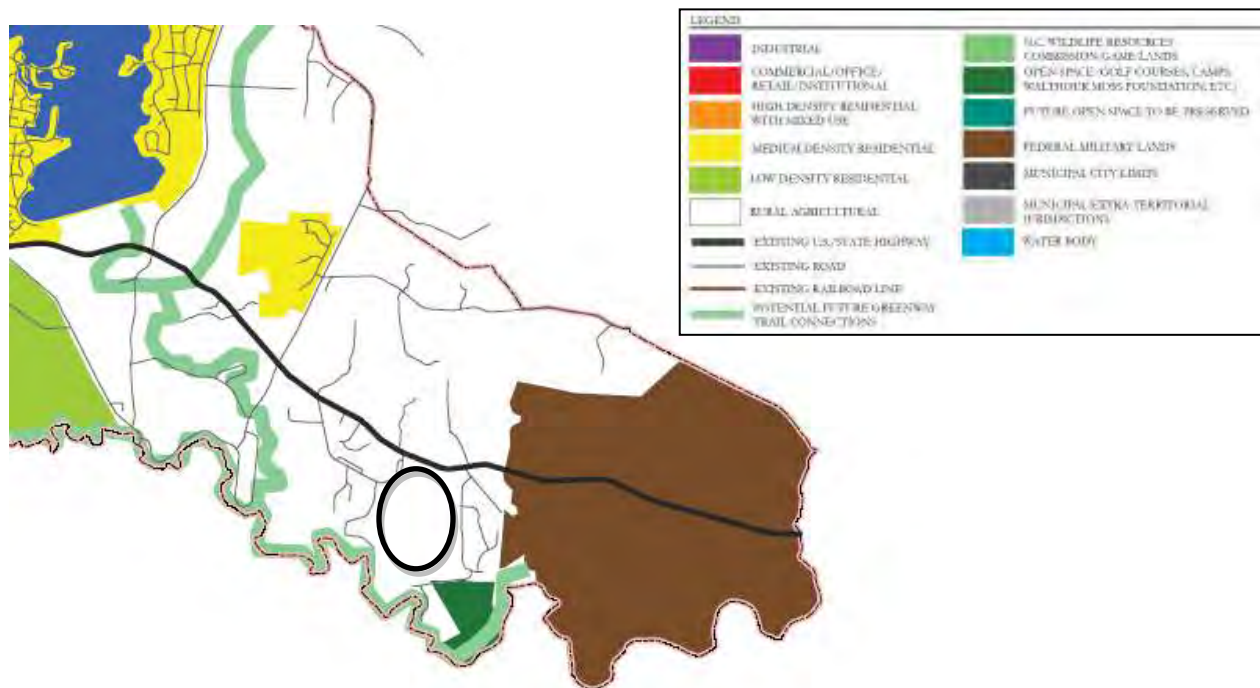
The Unified Development Ordinance states the principal use of land in the Residential and Agricultural (RA-20) and (RA-40) Districts is for single family dwellings, duplexes and

agricultural use and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

The site is not located adjacent to the Medium Density Residential Land Use Classification. If the rezoning request is approved, staff recommends updating the Land Use Plan Map to reclassify this site to the Medium Density Residential Land Use Classification.

The rezoning request is consistent with the following goal, as included in the attached Land Use Plan Consistency Statement: Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural and cultural features.

### **MOORE COUNTY FUTURE LAND USE MAP**



### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to **adopt or deny** the attached Land Use Plan Consistency Statement to authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341. As specified in the Land Use Plan Consistency Statement, a declaration of approval is also deemed an amendment to the Land Use Plan.

**Motion #2:** Make a motion to recommend **approval or denial** to the Moore County Board of Commissioners of the General Use Rezoning from Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40) of 3 properties: ParID 00042817 (app. 6.09 acres), ParID 00042818 (app. 171.12 acres), and ParID 20000498 (app. 15.03 acres) the total being approximately 192.24

acres, located adjacent to and south of Lobelia Road and adjacent to and to the east of Wright Road, Vass.

### **ATTACHMENTS**

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Application
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Regional Land Use Advisory Committee (RLUAC) Letter
- Deed Book 3850 Page 360
- Deed Book 4146 Page 374
- Deed Book 1671 Page 422



**Views of subject property from Lobelia Road**





**View of adjacent property from Wright Road – 122 Seagroves Court**



**View of adjacent property from Wright Road – 5068 Lobelia Road**





**View of adjacent property from Lobelia Road – 5091 Lobelia Road**





**View of adjacent property from Lobelia Road – 5177 Lobelia Road**



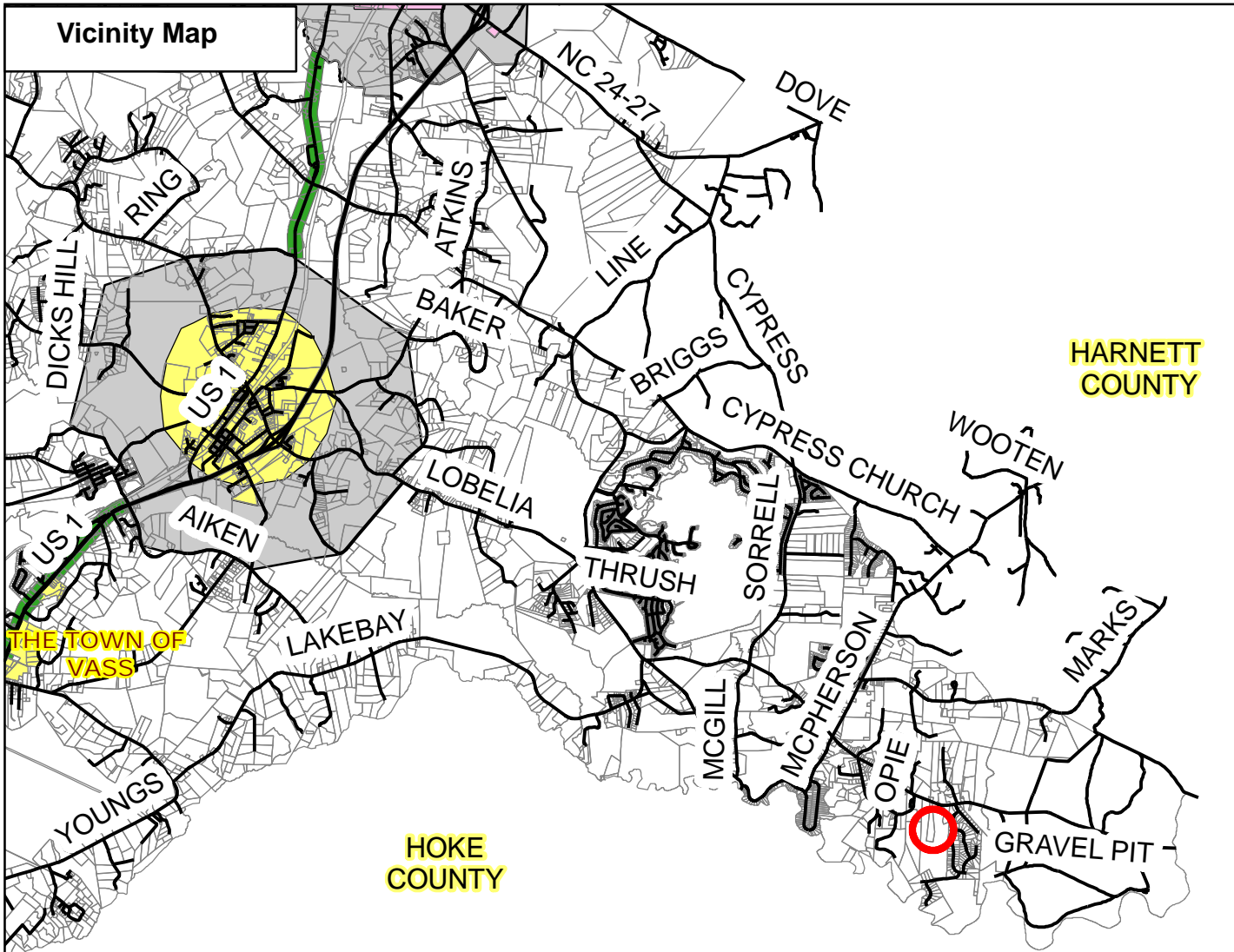
**View of adjacent property from Wright Road – 5227 Lobelia Road**



**View of adjacent properties from Autumn Drive**



Vicinity Map



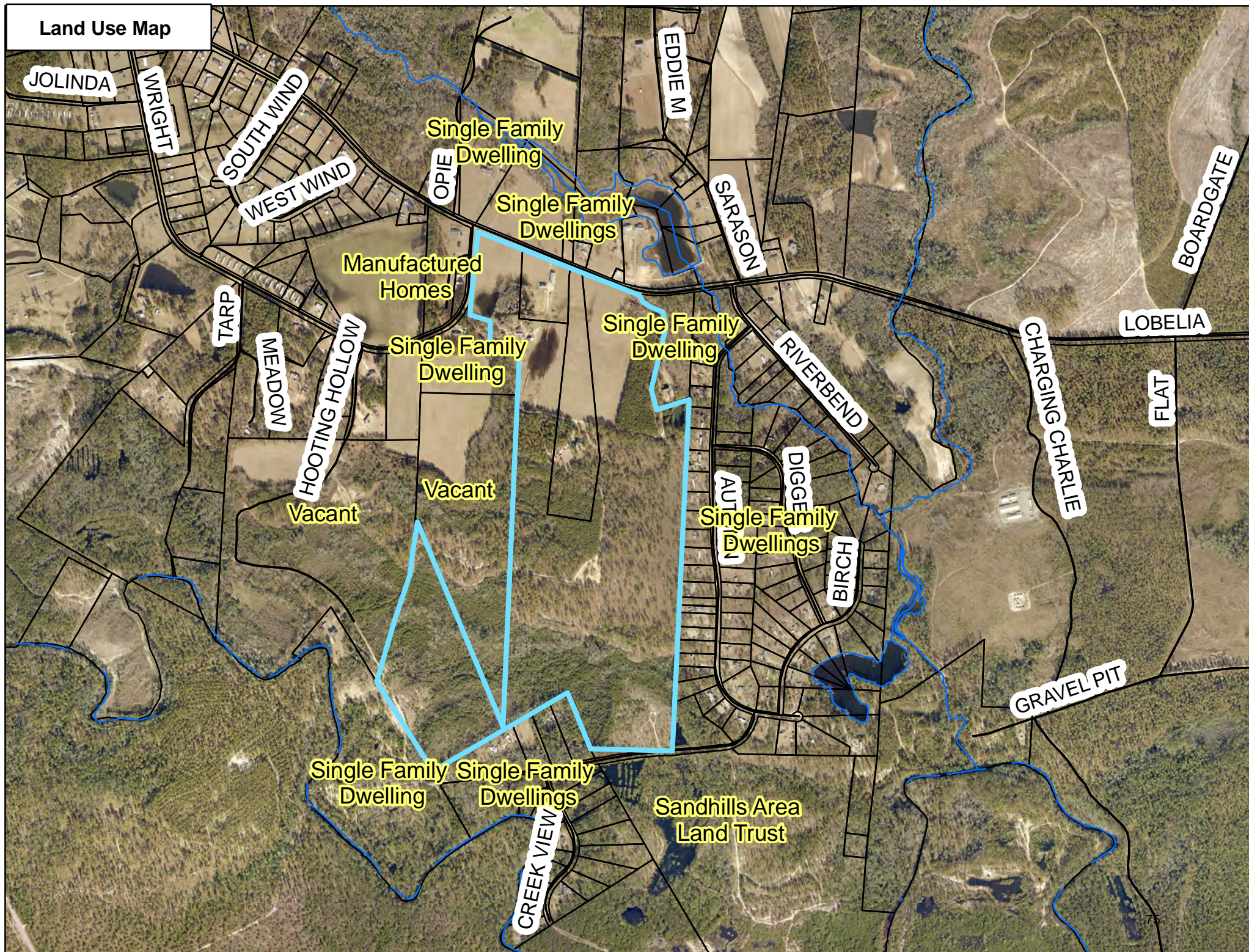
HARNETT  
COUNTY

HOKE  
COUNTY

CUMBERLAND  
COUNTY

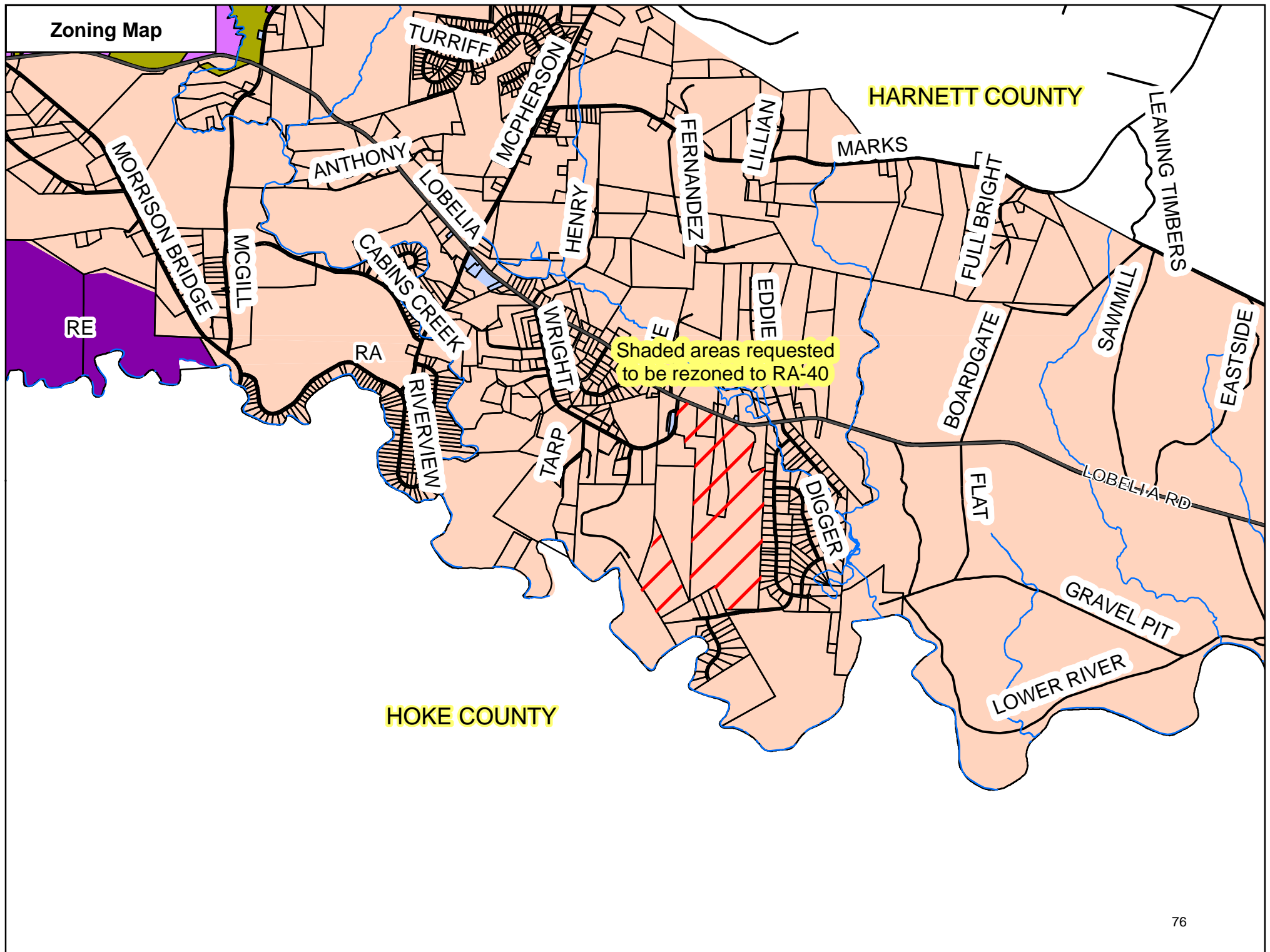


Land Use Map





Zoning Map



27511

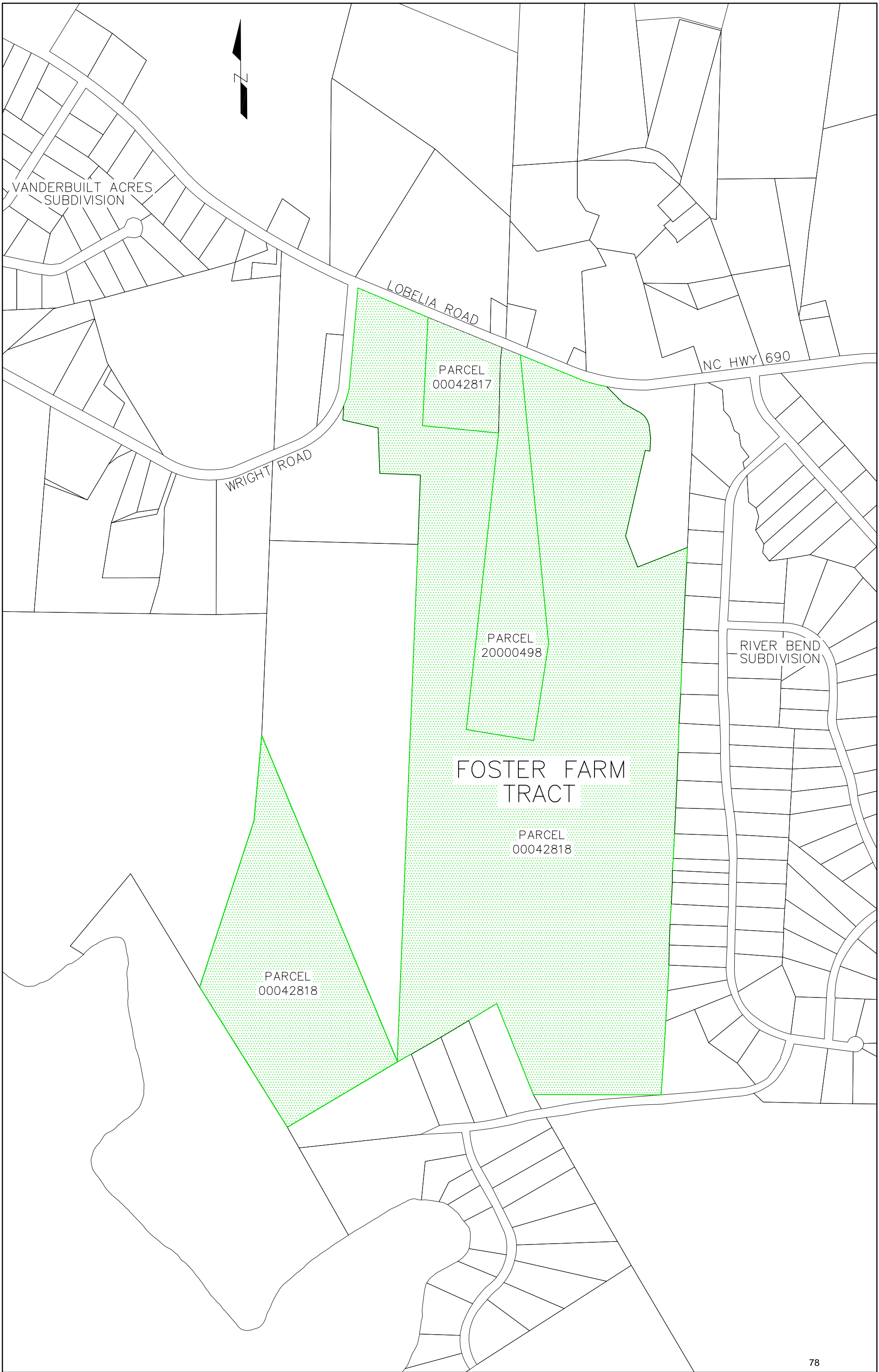
# County of Moore Planning and Transportation



Inspections/Permitting: (910) 947-2221  
 Planning: (910) 947-5010  
 Transportation: (910) 947-3389  
 Fax: (910) 947-1303

## GENERAL USE REZONING APPLICATION

Application Date: <b>October 21, 2019</b>			
Location/Address of Property: <b>5188 Lobelia Road</b>			
Applicant: <b>David T. Upchurch</b>			Phone: <b>639-5898</b>
Applicant Address: <b>244 National Drive</b>	City: <b>Pinehurst</b>	St: <b>NC</b>	Zip: <b>28374</b>
Owner: <b>Jonathan Farrell Foster</b>			Phone: <b>695-6506</b>
Owner Address: <b>5188 Lobelia Road</b>	City: <b>Vass</b>	St: <b>NC</b>	Zip: <b>28394</b>
Current Zoning District: <b>RA</b>		Proposed Zoning District: <b>RA-40</b>	
Comments: <u>Moore County Parcels 00042817 00042818 20000498</u>     			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.			
<u>Jonathan F. Foster</u> Applicant/Owner Signature		<u>10-11-2019</u> Date	
<u>David T. Upchurch</u> Applicant/Owner Signature		<u>10-14-2019</u> Date	
Office Use Only: PAR ID: <u>00042817, 00042818, 20000498</u> <u>Charmen Thompson</u> <u>10/14/2019</u> Received By Date			



**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural and cultural features.

2. Approval of the rezoning request is also deemed an amendment to the Land Use Plan Future Land Use Map by reclassifying the site to the Medium Density Residential Land Use Classification.

3. The rezoning request is reasonable and in the public interest considering the property is located adjacent to an existing highway, other developed residential properties, has access to public water, and is in close proximity to Fort Bragg providing practicality, easy access, and reduced travel times.

4. Contributing factors in the rezoning approval is in response to managing the demand of residential growth, largely resulting from the influx of families spurred by Fort Bragg's growth from the Base Realignment and Closure.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning from Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40) of 3 properties: ParID 00042817 (app. 6.09 acres), ParID 00042818 (app. 171.12 acres), and ParID 20000498 (app. 15.03 acres) the total being approximately 192.24 acres, located adjacent to and south of Lobelia Road and adjacent to and to the east of Wright Road, Vass, owned by Jonathan Foster (Deed Book 3850 Page 360, Deed Book 4146 Page 374, and Deed Book 1671 Page 422).



---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural and cultural features.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning from Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40) of 3 properties: ParID 00042817 (app. 6.09 acres), ParID 00042818 (app. 171.12 acres), and ParID 20000498 (app. 15.03 acres) the total being approximately 192.24 acres, located adjacent to and south of Lobelia Road and adjacent to and to the east of Wright Road, Vass, owned by Jonathan Foster (Deed Book 3850 Page 360, Deed Book 4146 Page 374, and Deed Book 1671 Page 422).

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Joe Garrison, Chair  
Moore County Planning Board

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Date



**MOORE COUNTY REZONING REQUEST**  
**Petitioner: David Upchurch**  
**Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40)**  
**PIN's: 955204549029, 955200610698, 955204622750**  
**November 19, 2019**

Following a review of the request to rezone three properties from General Use Rezoning from Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40) by the RLUAC staff and Board of Directors for the parcels listed above, and recognizing that our findings are non-binding on Moore County, the RLUAC Board of Directors find that:

The three parcels are located adjacent to and south of Lobelia Road and adjacent to and to the east of Wright Road in Vass. The parcels are identified as IMPORTANT to conserve on the Joint Land Use Study maps due to the following circumstances:

- All three parcels are located within military special use airspace,
- All parcels are located within a Prescribed Burn Smoke Area,
- A southern section of the 171.12 acre parcel, PIN 955200610698, is located in a Large Caliber CDNL noise area with noise readings of 57 decibels and Large Caliber PK noise levels of 115 decibels,
- The 171.12 acre parcel is identified as containing Natural Heritage Micro Sites, and lies within an Endangered / Threatened Species Biodiversity Wildlife Habitat and Tier 2 Guild Core Area.

Due to the proximity of known red-cockaded woodpecker clusters, RLUAC encourages the petitioner to have this property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees. The protocol can be obtained at: [https://www.fws.gov/ncsandhills/pine\\_tree\\_removal.html](https://www.fws.gov/ncsandhills/pine_tree_removal.html) The results of this survey should be sent to the US Fish and Wildlife Service office located in Southern Pines, NC for review.

In addition RLUAC encourages the developer to include extra insulation in any new residential construction to reduce the outside to inside noise levels.

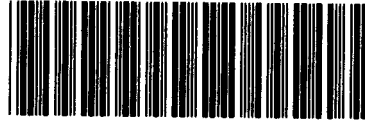
The largest parcel is within an area identified as Important to Conserve due to the reasons listed above and may pose an impact to military missions. RLUAC therefore strongly recommends the County consider these impacts during the rezoning review process.



Thank you for allowing RLUAC to review this case.

John K. McNeill, Chairman  
Peter Campbell, Executive Director

FOR REGISTRATION REGISTER OF DEEDS  
 Judy D. Martin  
 Moore County, NC  
 March 03, 2011 03:57:01 PM  
 Book 3850 Page 360-363  
 FEE: \$28.00  
 INSTRUMENT # 2011003206



INSTRUMENT # 2011003206

Instrument Prepared By: Hurley E. Thompson, Jr.  
 Tax Address: 5188 Lobelia Road, Vass, NC 28394  
 \*\*No Title Search Performed By Drafting Attorney\*\*

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made and entered into this the 21<sup>st</sup> day of February, 2011, by and between **Elizabeth H. Foster, widow**, (hereafter "GRANTOR"), - TO - **Jonathan Farrell Foster**, (hereafter "GRANTEE");

W I T N E S S E T H :

That the Grantor, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, has given, granted, bargained, sold and conveyed and by these presents does give, grant, bargain, sell and convey to the Grantee, his heirs, successors and assigns, all of that certain tract or parcel of land situate in McNeill and Little River Townships, Moore County, North Carolina, more particularly described as follows:

SITUATE IN MCNEILL TOWNSHIP:

**TRACT ONE:** Being Lot Nos. 5, 6 and 7, Block A, as shown on a map entitled "Map of Lobelia Road Development", Vass, McNeill Township, Moore County, North Carolina made by Ben H. Wood, Registered Land Surveyor under date of Dec. 20, 1960, and recorded in the Office of the Register of Deeds of Moore County, North Carolina in Map Book No. 7, at Page No. 20. For further reference see Book 269, at Page

535 and Book 306, at Page 534.

**LESS AND EXCEPTING:** that certain tract of land as identified in deed from Glenn F. Foster and his wife, Elizabeth H. Foster to the Department of Transportation appearing of record in Book 1463, at Page 103.

**TRACT TWO:** Beginning at a point in the northern boundary of Pennsylvania Avenue 50 feet west from the west line of Leak Street, running along said boundary N 36 degrees 45 minutes W 10 feet to a point; thence N 53 degrees 15 minutes E 150 feet to a point in Bessie Webb's line; thence S 36 degrees 45 minutes E along her line 10 feet; thence along Mattie Burch's line S 53 degrees 15 minutes W 150 feet to the point of beginning. For further reference see Book 495, at Page 949.

**TRACT THREE:** Being Lots Nos. 23 and Part of Lot No. 24 in Block D, and Lot No. 34, in Block F, as shown on a map entitled "Map of Lobelia Road Development", Vass, McNeill Township, Moore County, North Carolina made by Ben H. Wood, Registered Land Surveyor under date of Dec. 24, 1960, and recorded in the Office of the Register of Deeds of Moore County, North Carolina in Map Book No. 7, at Page No. 20. For further reference see Book 429, at Page 92.

**LESS AND EXCEPTING:** that certain tract of land as identified in deed from Glenn F. Foster and his wife, Elizabeth H. Foster to the Department of Transportation appearing of record in Book 1463, at Page 464.

**SITUATE IN LITTLE RIVER TOWNSHIP:**

**TRACT FOUR:** Being all of Lot No. 5, Section Eight (8) of Woodlake Country Club as shown on a map entitled "Lake Surf, Section Eight, Page One, Property of Lake Surf, Inc." dated June 17, 1976, prepared by C. H. Blue and Associates, Registered Land Surveyors, and recorded in Plat Cabinet 1, Slide 86, of the Moore County Public Registry, to which map and its recordation reference is hereby made for a more complete, accurate and particular description of said lot. For further reference see Book 478, at Page 689.

**TRACT FIVE:** Being in Little River Township, Moore County, North Carolina, and situated on the south side of S.R. 1001, on the east



side of C. H. Marks Estate, and on the north and west side of the C. H. Marks Estate, and more particularly described as follows: Beginning at an iron pipe, the same being common with the C. H. Marks Estate, thence N 05° 27.6' E 71.30' to an iron pipe; thence N 64° 03.4' W 481.80' to an iron pipe, the same is common with the C. H. Marks Estate; thence the following courses and distances with the C. H. Marks Estate; thence S 05° 27.6' W 653.97' to an iron pipe; thence S 81° 03.8' E 462.00' to an iron pipe; thence N 04° 11.3' E 442.20' to the Beginning, containing 6.09 acres, more or less. For further reference see Book 627, at Page 491.

This conveyance is subject to: (i) the Declaration of Restrictions and Covenants, if any, as the same may have been amended; (ii) such matters, provisions and reservations as are shown on the above plat, if any; (iii) the lien for ad valorem taxes or other assessments for the year of closing or conveyance; and (iv) utility easements of record.

TO HAVE AND TO HOLD the aforesaid described land with all privileges and appurtenances thereunto belonging or in anywise appertaining to the said Grantee, his heirs, successors and assigns, in fee simple forever.

And the said Grantor, for himself and his heirs, successors and assigns, covenants with the said Grantee, his heirs, successors and assigns, that he is seized of the said premises in fee and has the right to convey the same in fee simple; that the same is free and clear from all encumbrances; and that he does hereby forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever, except for the exceptions noted herein.

The designation "Grantor" and "Grantee" as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as "Grantor" and "Grantee".

IN WITNESS WHEREOF the said Grantor, has hereunto set his hand or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers by authority of its duly elected Board of Directors, the day and year first above written.

Elizabeth H. Foster  
Elizabeth H. Foster, widow

NORTH CAROLINA

COUNTY OF MOORE

I, Hurley E. Thompson, Jr, a Notary Public of the County and State aforesaid, certify that Elizabeth H. Foster, widow personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 25<sup>th</sup> day of February, 2011.

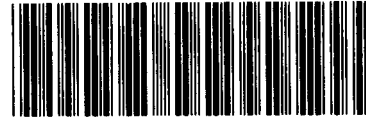
Hurley E. Thompson, Jr (SEAL)  
NOTARY PUBLIC - Hurley E. Thompson, Jr

My commission expires: 2/18/14.



FOR REGISTRATION REGISTER OF DEEDS  
 Judy D. Martin  
 Moore County, NC  
 January 22, 2013 02:04:22 PM  
 Book 4146 Page 374-377  
 FEE: \$26.00  
 INSTRUMENT # 2013001078

HM



INSTRUMENT # 2013001078



Instrument Prepared By: Hurley E. Thompson, Jr.  
 Tax Address: 5188 Lobelia Road, Vass, NC 28394  
 \*\*No Title Search Performed By Drafting Attorney\*\*

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made and entered into this the 15th day of January, 2013, by and between **Elizabeth H. Foster, widow**, (hereafter "GRANTOR"), - TO - **Jonathan Farrell Foster**, (hereafter "GRANTEE");

W I T N E S S E T H :

That the Grantor, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, has given, granted, bargained, sold and conveyed and by these presents does give, grant, bargain, sell and convey to the Grantee, his heirs, successors and assigns, all of that certain tract or parcel of land situate in McNeill Township, Moore County, North Carolina, more particularly described as follows:

**TRACT ONE:** Being in Little River Township, Moore County, North Carolina, and situated on the west side of McLamb land, on the south side of S. R. 1001, on the east side of Seagrove land and on the north side of the McLamb land, and more particularly described as follows:

BEGINNING at an iron pipe on the west side of a small pond, the same being common with the McLamb land, thence



N 05°27.9' E 4324.41' with the McLamb land to a railroad iron, the same being common with the McLamb land, thence N 80°39.5' W 1186.74' along S. R. 1001 to an iron pipe, the same being common with the James W. Marks Estate, thence S 04°11.3' W 442.20' with the James W. Marks Estate to an iron pipe; thence N 81°03.8' W 462.00' with the James W. Marks Estate to an iron pipe, the same being common with the James W. Marks Estate and in the C. H. Marks Estate line; thence S 05°27.6' W 300.53' with the C. H. Marks Estate to an iron rod; the same being common with the C. H. Marks Estate and Seagrove land; thence S 05°06.2' W 3567.07' with the Seagrove land to a pine knot, the same being common with the Seagrove land and the McLamb land, thence the following courses and distances with the McLamb land; N 62°16.8' E 702.89' to an iron pipe and pine knot, thence S 18°33.9' E 592.71' to an iron stake; thence S 86°59.0' E 783.80' to the BEGINNING, containing 153.53 acres, more or less. For further reference see Book 627, at Page 489.

**TRACT TWO:** Being in Little River Township, Moore County, North Carolina, and situated on the south side of S. R. 1001, on the east and north sides of the Seagrove land and on the west side of the C. H. Marks Estate and James W. Marks Estate, and more particularly described as follows:

BEGINNING at an iron pipe, the same being common with the James W. Marks Estate, thence N 65°51.2' W 495.98' along S. R. 1001 to a spike, the same being common with the Seagrove land, thence S 06°13.5' W 804.00' with the Seagrove land and along S.R. 2020 to an iron pipe, the same being common with the Seagrove land, thence the following courses and distances with the Seagrove land, S 75°01.5' E 224.15' to an iron pipe; thence S 01°26.6' W 273.10' to an iron pipe; thence S 84°32.4' E 240.38' to an iron rod, the same being common with the Seagrove land and in the C. H. Marks Estate line; thence N 05°27.6' E 954.50' with the C. H. Marks and James W. Marks Estates to the BEGINNING, containing 9.79 acres, more or less. For further reference see Book 627, at Page 489.

**TRACT THREE:** Being in Little River Township, Moore County, North Carolina, and situated on the west side of the Seagrove land, on the east side of the James W. Marks Estate and on the north side of the McLamb land, and more particularly described as follows:

BEGINNING at a pine knot, the same being common with the C. H. Marks Estate and the Seagrove and McLamb lands,

thence N 19°59.2' W 2138.61' with the Seagrove land to a pine knot, the same being common with the Seagrove land and the James W. Marks Estate, thence the following courses and distances with the James W. Marks Estate, S 07°52.4' W 498.51' to an iron pipe, thence S 21°06.4' W 1068.31' to an iron pipe, the same being common with the James W. Marks Estate, thence S 28°29.8' E 1009.67' to an iron pipe in the north side of a small pond, the same being common with the McLamb land, thence N 62°21.1' E 828.19' with the McLamb land to the BEGINNING, containing 30.74, more or less. For further reference see Book 627, at Page 489.

LESS AND EXCEPTING from the above described tracts are the following:

1. That certain 7.91 acres as appears of record in Book 4077, at Page 3.
2. That certain 15.03 acres as appears of record in Book 1671, at Page 422.

TRACT FOUR: Being all of Lot No. 37 of Block F as shown on map entitled "Lobelia Road Development, Vass, McNeill Township, Moore County, N.C." said map being made by Ben H. Wood, Reg. Land Surveyor, dated December 24, 1960, and recorded in Book of Map 7, at Page 20, Moore County Registry, to which reference is hereby made for a more complete description. For further reference see Book 429, at Page 93.

Glenn Farrell Foster died in Moore County, North Carolina on February 22, 2002, see Moore County Estate File No. 2004-E-86.

This conveyance is subject to: (i) the Declaration of Restrictions and Covenants, if any, as the same may have been amended; (ii) such matters, provisions and reservations as are shown on the above plat, if any; (iii) the lien for ad valorem taxes or other assessments for the year of closing or conveyance; and (iv) utility easements of record.

TO HAVE AND TO HOLD the aforesaid described land with all privileges and appurtenances thereunto belonging or in anywise appertaining to the said Grantee, his heirs, successors and assigns, in fee simple forever.

And the said Grantor, for himself and his heirs, successors

and assigns, covenants with the said Grantee, his heirs, successors and assigns, that he is seized of the said premises in fee and has the right to convey the same in fee simple; that the same is free and clear from all encumbrances; and that he does hereby forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever, except for the exceptions noted herein.

The designation "Grantor" and "Grantee" as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as "Grantor" and "Grantee".

IN WITNESS WHEREOF the said Grantor, has hereunto set his hand or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers by authority of its duly elected Board of Directors, the day and year first above written.

Elizabeth H. Foster  
Elizabeth H. Foster, widow

NORTH CAROLINA

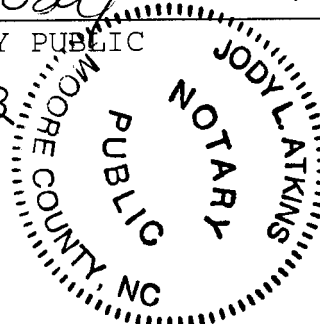
COUNTY OF Moore

I, JODY L. ATKINS a Notary Public of the County and State aforesaid, certify that Elizabeth H. Foster, widow personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 22<sup>nd</sup> day of January, 2013.

Jody L. Atkins (SEAL)  
NOTARY PUBLIC

My commission expires: 09/30/2013



2000 OCT 20 P 4: 17

01671 00422

NORTH CAROLINA

MOORE COUNTY

MRS. JUDITH M. ADAMS  
REGISTER OF DEEDS  
MOORE COUNTY, N.C.

WARRANTY DEED

THIS DEED, made and entered into this the 20th day of October 2000, by and between **Glenn F. Foster and his wife, Elizabeth H. Foster**, (hereafter "GRANTOR"), - TO - **Jonathan F. Foster and his wife, Sarah G. Foster**, (hereafter "GRANTEE");

W I T N E S S E T H :

That the Grantor, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, has given, granted, bargained, sold and conveyed and by these presents does give, grant, bargain, sell and convey to the Grantee, his heirs, successors and assigns, all of that certain tract or parcel of land situate in Little River Township, Moore County, North Carolina, more particularly described as follows:

BEGINNING at a new iron pin on the South side of NC Highway 690 (formerly SR 1001) and in the North line of Tract "A" of the Marks Estate as shown on a map of the survey done in June 1987 by Charles D. Ward, and said iron pin also being N 80°39'30" W 1086.74' from the Northeast corner of said Tract "A" and running thence for a first call, S 04°17'55" E 1759.03' to a new iron pin; thence S 10°33'53" W 598.93' to a new iron pin; thence N 78°39'32" W 400.04' to a new iron pin; thence N 10°03'53" E 593.51' to a new iron pin; thence N 05°55'40" E 1262.71' to the Southeast corner of Tract "D" of said Marks Estate, an iron pine; thence with the Eastern line of Tract "D", N 04°11'18" E 442.20' to the Northwest corner of Tract "A", in the Eastern line of Tract "D", an iron pin, newly reset; thence with the North line of Tract "A", on the South side of said Highway NC 690, S 80°39'30" E 100.00' to the Beginning, containing 15.03 acres, and being a part of Tract "A", of the Former Marks Estate. For further reference see Book 627, at Page 489.

This conveyance is subject to: (i) the lien for ad valorem taxes or other assessments for the year of closing or conveyance; and (ii) utility easements of record.

TO HAVE AND TO HOLD the aforesaid described land with all privileges and appurtenances thereunto belonging or in anywise appertaining to the said Grantee, his heirs, successors and assigns, in fee simple forever.

And the said Grantor, for himself and his heirs, successors and assigns, covenants with the said Grantee, his heirs, successors and assigns, that he is seized of the said premises in fee and has the right to convey the same in fee simple; that the same is free and clear from all encumbrances; and that he does hereby forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever, except for the exceptions noted herein.

Tax: 360 Craines Cove  
Vass, NC 28394

FAX ADDRESS  
RECORDING \$10.00  
STAMP  
TOTAL \$10.00 PA.

prepared by: Hurley E. Thompson, Jr.  
Carthage, NC 28327

015656



01671 00423

The designation "Grantor" and "Grantee" as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as "Grantor" and "Grantee".

IN WITNESS WHEREOF the said Grantor, has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers and its seal or a reasonable facsimile thereof to be hereunto affixed by authority of its duly elected Board of Directors, the day and year first above written.

Glenn F. Foster (SEAL)  
Glenn F. Foster

Elizabeth H. Foster (SEAL)  
Elizabeth H. Foster

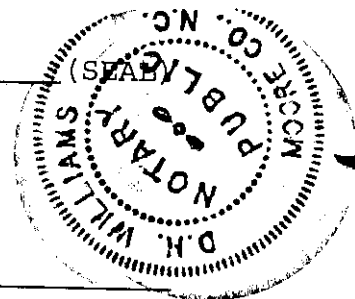
NORTH CAROLINA

MOORE COUNTY

I, D. H. Williams  
~~Sharon T. Martin~~, a Notary Public of the County and State aforesaid, certify that Glenn F. Foster and his wife, Elizabeth H. Foster, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 20th day of October 2000.

D. H. Williams  
NOTARY PUBLIC



My commission expires: 2/26/2002  
9/10/2002

The foregoing Certificates of \_\_\_\_\_

are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the filing stamp impressed or affixed hereon.

REGISTER OF DEEDS OF MOORE COUNTY

BY: \_\_\_\_\_  
Deputy/Assistant - Register of Deeds

INDEXED/SERIALIZED BY \_\_\_\_\_  
The foregoing instrument(s) D. H. Williams  
a Notary/Notaries Public  
is/are certified to be correct  
This 20th day of October 2000  
JUDITH M. ADAMS, REGISTER OF DEEDS  
Judith M. Adams ASSISTANT/DEPUTY

**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** October 28, 2019

**SUBJECT:** General Use Rezoning Request:  
Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20)

**PRESENTER:** Theresa Thompson

**REQUEST**

Pete Mace is requesting a General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) of approximately 2.90 acres (entire portion located to the south of Love Grove Church Road) of an approximate 26.32 acre parcel, located on the corner of Love Grove Church Road and Carthage Road, West End, owned by Johnny & Kathy Harris, per Deed Book 5095 Page 156.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

The property is currently undeveloped. Adjacent properties include single family dwellings and undeveloped property.

**ZONING DISTRICT COMPATIBILITY**

The requested rezoning to Residential and Agricultural-20 (RA-20) is consistent with the existing uses located near the property, including single family residential. The surrounding area is zoned a mixture of Highway Commercial (B-2), Residential and Agricultural-20 (RA-20), and Residential and Agricultural-40 (RA-40).

**CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

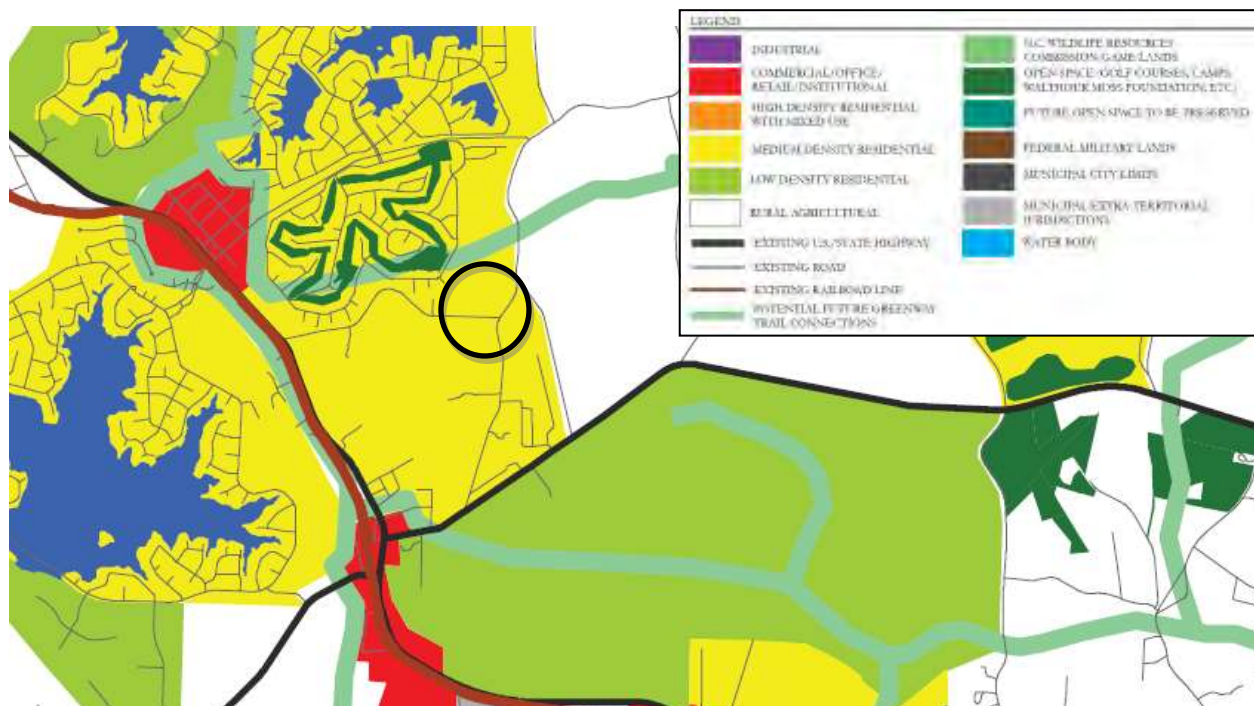
The future land use map identifies the property as Medium Density Residential Land Use Classification. The requested zoning to Residential and Agricultural-20 (RA-20) is compatible with the Medium Density Residential Land Use Classification.

The Land Use Plan states the primary use of the Medium Density Residential Land Use Classification is a density 2 (two) to 4 (four) dwellings per acre, single family detached or attached. Housing may include a mixture of dwelling types, including single-family detached, duplex, patio home, semi-detached/attached dwelling, multi-family, or townhouse. This may also include certain non-residential neighborhood supportive uses such as schools, daycares, churches and others. Density would require engineered sewerage disposal systems. Public infrastructure and facilities such as roads, water, sewer, schools, fire/rescue, open space, and must be adequate

to accommodate the development. The public service providers in the proximity of these areas shown on the Future Land Use Map shall consider extending, upgrading and/or preserving infrastructure in these locations.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Goal 3.1: Maximize accessibility among living, working, and shopping areas and Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

### **MOORE COUNTY FUTURE LAND USE MAP**



### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to **adopt or deny** the attached Land Use Plan Consistency Statement to authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend **approval or denial** to the Moore County Board of Commissioners of the General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) of approximately 2.90 acres (entire portion located to the south of Love Grove Church Road) of an approximate 26.32 acre parcel, located on the corner of Love Grove Church Road and Carthage Road, West End.

## **ATTACHMENTS**

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Application
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Deed Book 5095 Page 156



**View of subject property from the intersection of Love Grove Church Rd and Carthage Rd**



**View of property across Love Grove Church Road**



**View of property across Carthage Road**



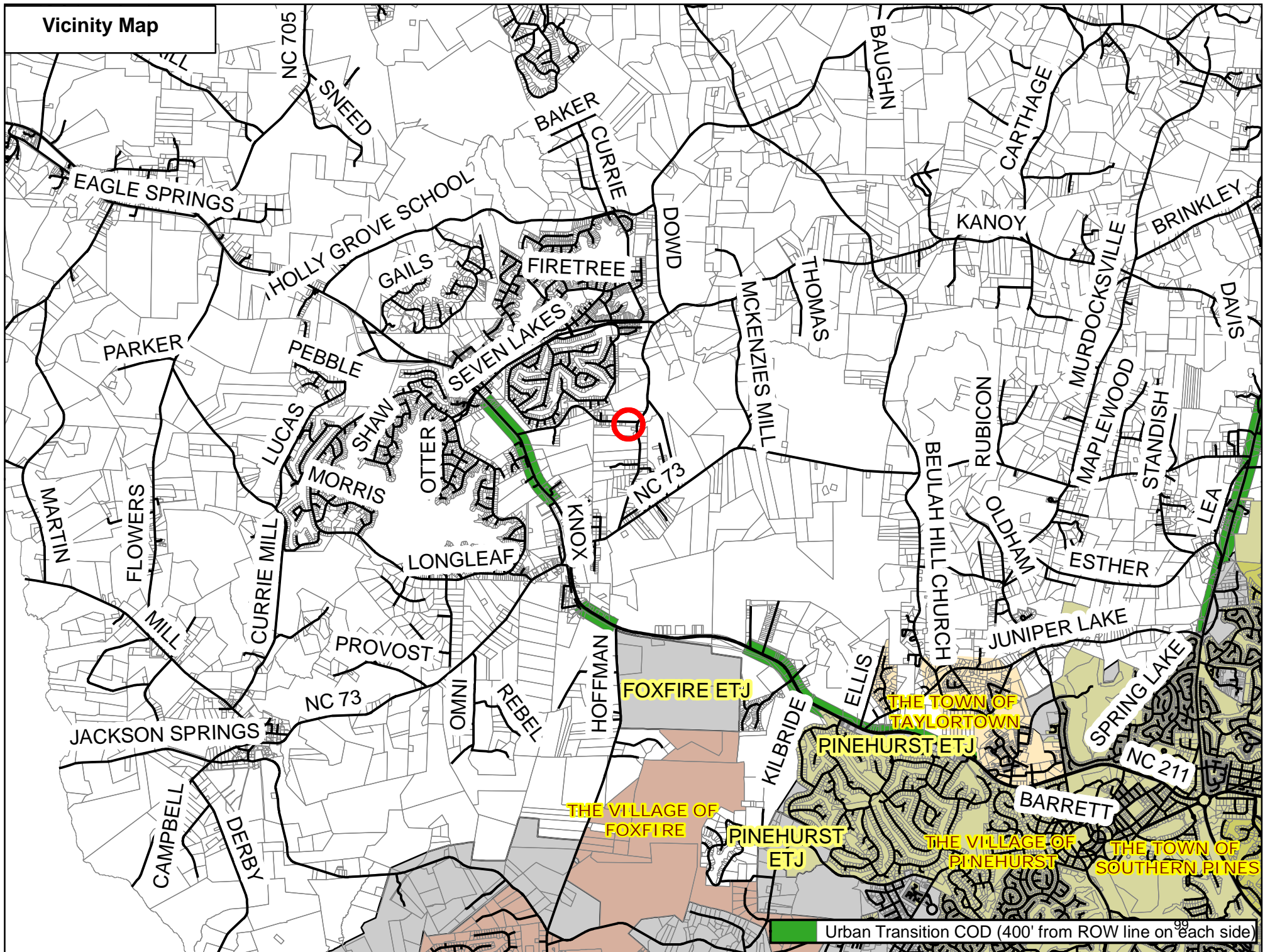
**View of Carthage Road going southbound (subject property on the right)**



*Love Grove Church Road – General Use Rezoning – Staff Report*



Vicinity Map



Urban Transition COD (400' from ROW line on each side)



Land Use Map

Single Family  
Dwellings

Vacant

Vacant

LOVE GROVE CHURCH

CARTHAGE

Single Family  
Dwelling

Single Family  
Dwelling

Manufactured  
Home

Vacant

Vacant

Single Family  
Dwelling

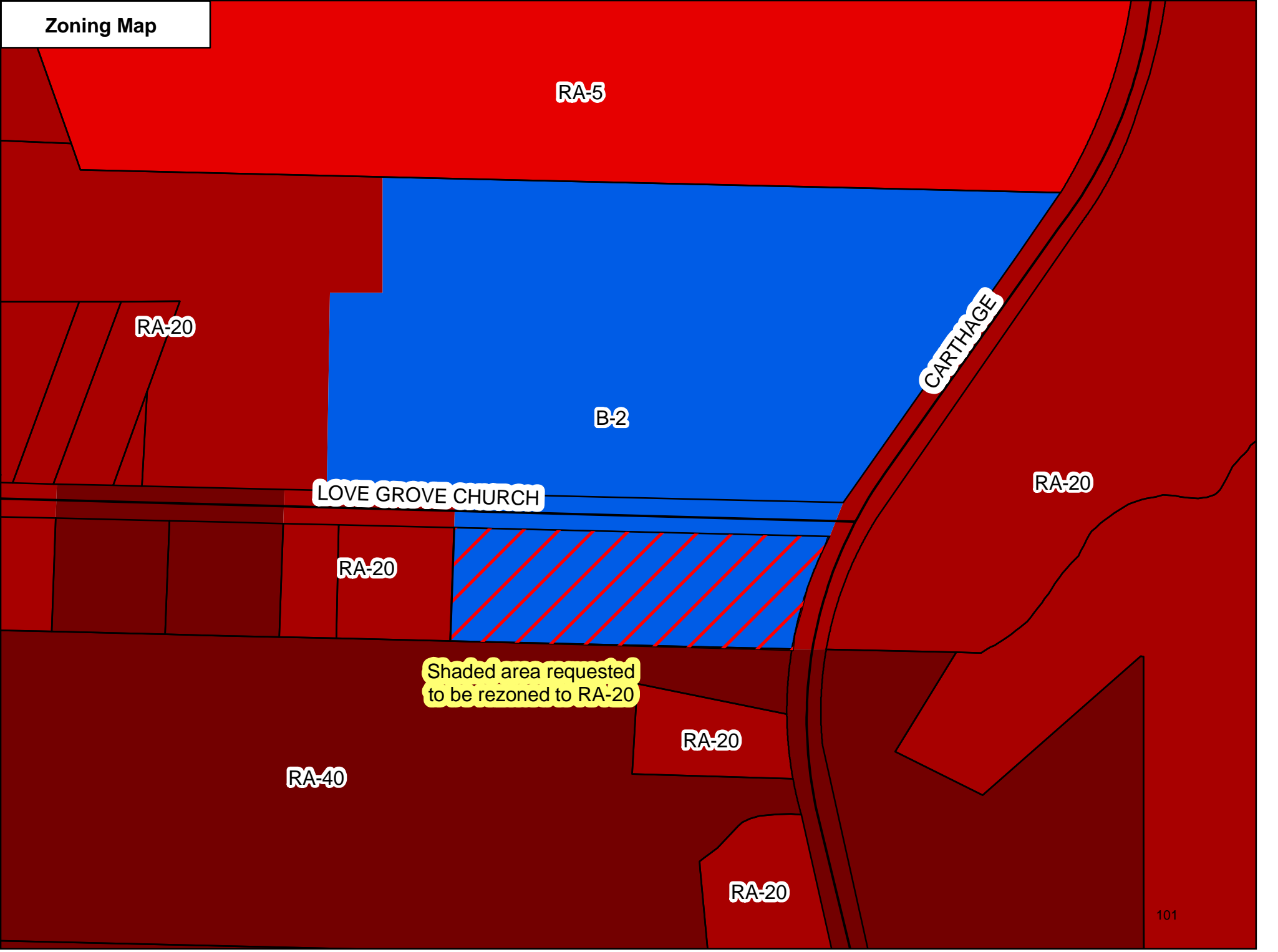
Vacant

Single Family  
Dwelling

Vacant



Zoning Map

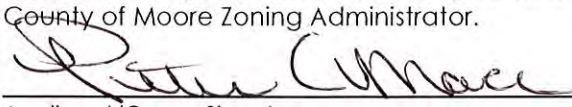
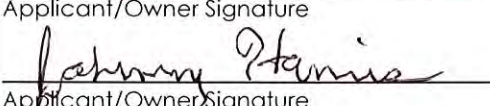
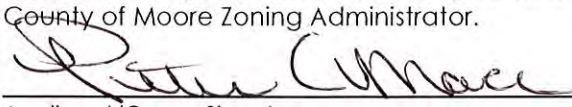
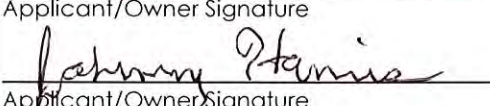
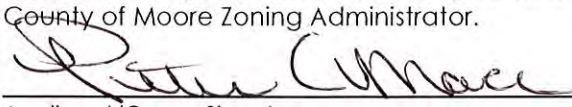
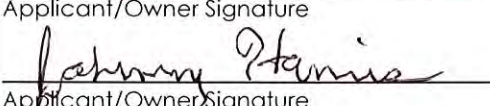
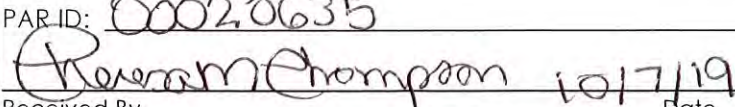


App# 21903  
**County of Moore**  
**Planning and Transportation**

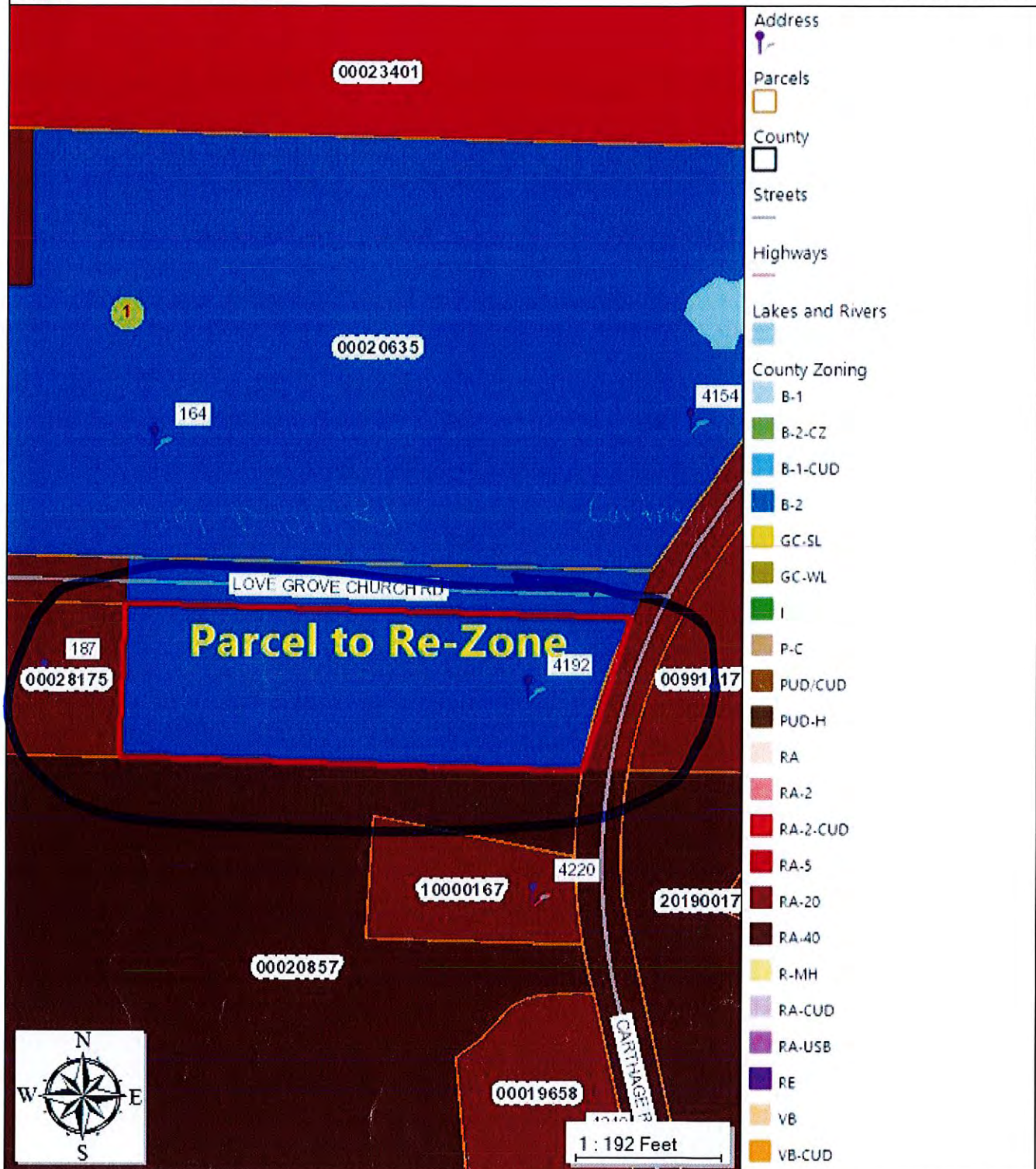


Inspections/Permitting: (910) 947-2221  
Planning: (910) 947-5010  
Transportation: (910) 947-3389  
Fax: (910) 947-1303

## GENERAL USE REZONING APPLICATION

Application Date: 9/26/19							
Location/Address of Property: 4192 Carthage Rd West End, NC 27376							
Applicant: Pete Mace		Phone: 639-2882					
Applicant Address: 170 Pine Barrens Vista		City: Southern Pines	St: NC Zip: 28387				
Owner: Johnny Harris		Phone: 638-5480					
Owner Address: 4291 David Rd		City: Carthage, NC	St: NC Zip: 28327				
Current Zoning District: B-2		Proposed Zoning District: RA-20					
Comments: PID# 00020635 Rezone the East/South Side of Love Grove Ch Rd of PID# 00020635							
<p>I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.</p> <table style="width: 100%;"><tr><td style="width: 50%;"> Applicant/Owner Signature</td><td style="width: 50%; text-align: right;">9/26/19 Date</td></tr><tr><td> Applicant/Owner Signature</td><td style="text-align: right;">9/26/19 Date</td></tr></table>				 Applicant/Owner Signature	9/26/19 Date	 Applicant/Owner Signature	9/26/19 Date
 Applicant/Owner Signature	9/26/19 Date						
 Applicant/Owner Signature	9/26/19 Date						
Office Use Only: PAR ID: 00020635  Received By: 10/7/19 Date							





GIS DISCLAIMER All the information contained on this media is prepared for the inventory of real property found within Moore County. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. All information contained herein was created for the County's internal use. Moore County, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether express or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Highway Commercial (B-2) to Rural Agricultural-20 (RA-20)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. The rezoning request is reasonable and in the public interest considering the property is located adjacent to an existing highway, other developed residential properties, has access to public water, and is in close proximity to the Seven Lakes community providing practicality, easy access, and reduced travel times.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) of approximately 2.90 acres (entire portion located to the south of Love Grove Church Road) of an approximate 26.32 acre parcel, located on the corner of Love Grove Church Road and Carthage Road, West End, owned by Johnny & Kathy Harris, per Deed Book 5095 Page 156.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Highway Commercial (B-2) to Rural Agricultural-20 (RA-20)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) of approximately 2.90 acres (entire portion located to the south of Love Grove Church Road) of an approximate 26.32 acre parcel, located on the corner of Love Grove Church Road and Carthage Road, West End, owned by Johnny & Kathy Harris, per Deed Book 5095 Page 156.

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Joe Garrison, Chair  
Moore County Planning Board

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Date

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

March 1, 2019 11:26:49 AM

Book: 5095 Page: 156 - 158 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$360.00

Instrument # 2019002543

**GENERAL WARRANTY DEED****THIS INSTRUMENT PREPARED BY:**

Michelle Stinnett  
 Lorenz & Creed Law Firm, PLLC  
 230 N. Bennett Street  
 Southern Pines, NC 28387

TO BE RECORDED IN THE  
 DEED RECORDS OF  
 MOORE COUNTY, NC

**Excise Tax: \$ 360.00**THIS DEED made this 27 day of February, 2019, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
<b>JOHNSON IMPROVEMENT COMPANY, LLC, a North Carolina Limited Liability Company, successor by merger with JOHNSON IMPROVEMENT COMPANY, a North Carolina General Partnership</b> Mailing Address: 9345 Martin Rd. Roswell, GA 30076	<b>JOHNNY HARRIS AND WIFE, KATHY HARRIS</b>  <b>Mailing Address:</b> 4291 Dowd Road Carthage, NC 28327

**WITNESSETH:**

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land (referred to in the singular, whether one or more) situated in Mineral Spring Township, Moore County, North Carolina, and more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY HEREIN CONVEYED. SAID EXHIBIT BEING INCORPORATED HEREIN BY REFERENCE AS FULLY AS IF SET FORTH HEREON.**



This property herein described does not include the primary residence of the Grantor.

And being a portion of the property conveyed to Grantor in instrument recorded in Book 177, Page 311, in the Moore County, North Carolina, Register of Deeds. The attorney preparing this instrument has not searched the title to the real property hereby conveyed and makes no opinion relative to the status of the title to the real property hereby conveyed.

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

**JOHNSON IMPROVEMENT COMPANY, LLC**  
A North Carolina Limited Liability Company

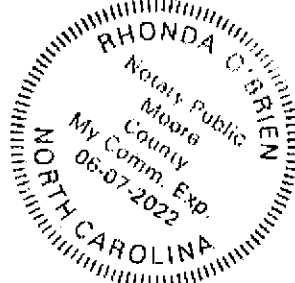
By: [Signature] (SEAL)  
William A. Johnson, III, Member-Manager

STATE OF nc  
COUNTY OF Moore

I certify that the following person(s) personally appeared before me this day and ☒ I have personal knowledge of the identity of the principal(s); ☐ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license; ☐ a credible witness has sworn to the identity of the principal(s); the principal(s) acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): William A. Johnson, III, Member-Manager **JOHNSON IMPROVEMENT COMPANY, LLC.**

Date: 2/27/19



[Signature]  
Notary Public

Rhonda O'Brien  
Printed or typed name of Notary Public

My commission expires: 6/7/22

[SEAL]

**NOTARY PUBLIC:** Please place an (X) in the space that describes the method of identifying the principal and (--) in the spaces that do not apply.

**EXHIBIT "A"**

Lying and being in Mineral Springs Township, Moore County, NC and being Tract 2, containing 26.32 acres more or less, the identical tract or parcel of land shown, indicated and designated on that certain plat or map recorded in Plat Cabinet 5, Slide 130, Moore County Registry, Carthage, NC, and to which reference is hereby made.

**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** October 28, 2019

**SUBJECT:** General Use Rezoning Request:  
Residential and Agricultural-20 (RA-20) & Residential and Agricultural-40 (RA-40) to Public and Conservation (PC)

**PRESENTER:** Theresa Thompson

**REQUEST**

Koontz Jones Design, PLLC is requesting a General Use Rezoning from Residential and Agricultural-20 (RA-20) & Residential and Agricultural-40 (RA-40) to Public and Conservation (PC) of two locations (approximate 6.55 acres zoned RA-40 and approximate 9.58 acres zoned RA-20 and RA-40) of an approximate 688.13 acre parcel, located adjacent to and east of Beulah Hill Church Road, adjacent to and north of NC Hwy 73, and adjacent to and west of Rubicon Road, West End, owned by Hainoa LLC, per Deed Book 4904 Page 237.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

The property is currently used as a maintenance building and cart storage for Dormie Club Golf Course. Adjacent properties include Dormie Club, single family dwellings and undeveloped property.

**ZONING DISTRICT COMPATIBILITY**

The requested rezoning to Public and Conservation (PC) is consistent with the existing use located near the property, being a golf course. The surrounding area is zoned a mixture of Public and Conservation (PC), Residential and Agricultural-20 (RA-20), and Residential and Agricultural-40 (RA-40), Residential and Agricultural-2 (RA-2), Residential and Agricultural-5 (RA-5), Highway Commercial (B-2), Rural Agricultural (RA), and Rural Agricultural (RA).

**CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The future land use map identifies the property as Medium Density Land Use Classification. The requested zoning to Residential and Agricultural-20 (RA-20) is not compatible with Medium Density Residential Land Use Classification.

The Land Use Plan states the primary use of the Medium Density Residential Land Use Classification is categorized for a density of 2 to 4 dwellings per acre, single family detached or attached. Housing may include a mixture of dwelling types, including single-family detached,

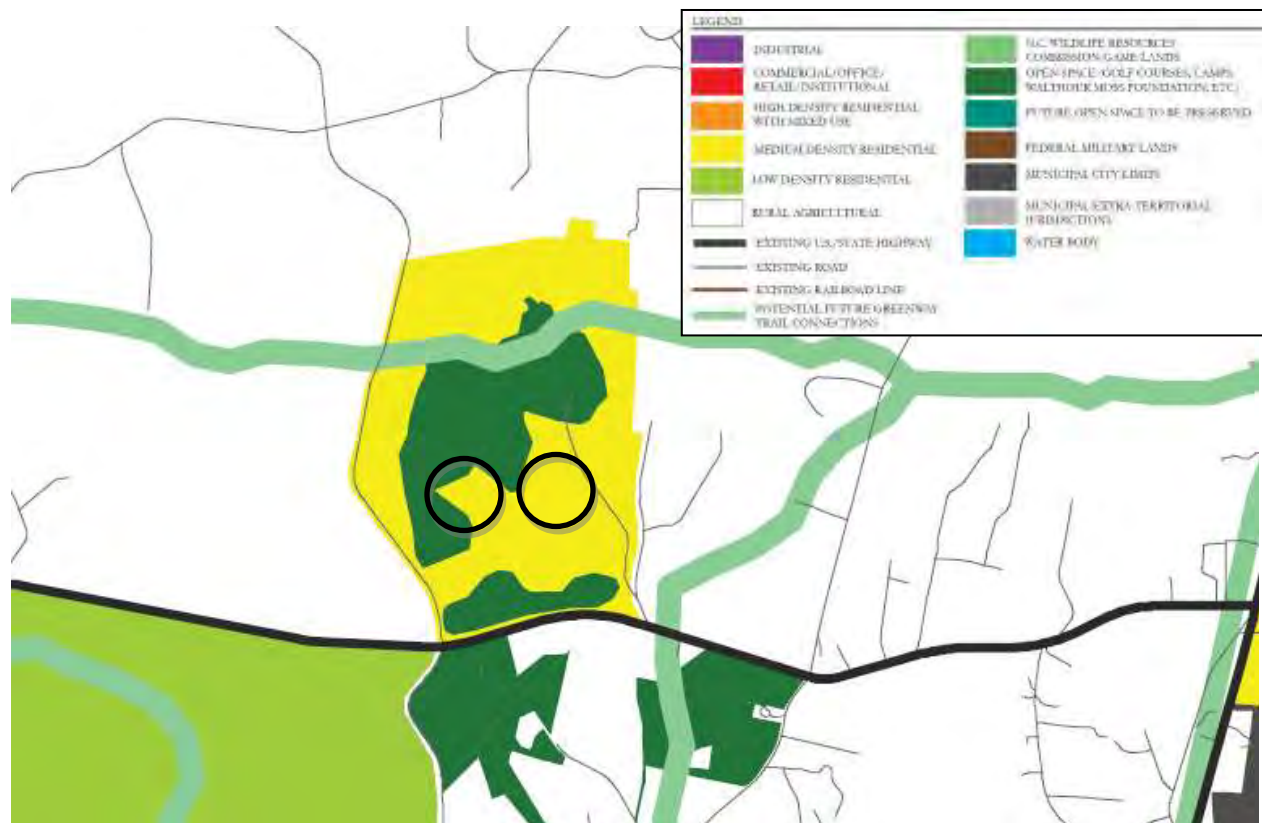


duplex, patio home, semi-detached/attached dwelling, multi-family, or townhouse. This may also include certain non-residential neighborhood supportive uses such as schools, daycares, churches and others. Density would require engineered sewerage disposal systems. Public infrastructure and facilities such as roads, water, sewer, schools, fire/rescue, open space, and must be adequate to accommodate the development. The public service providers in the proximity of these areas shown on the Future Land Use Map shall consider extending, upgrading and/or preserving infrastructure in these locations.

The site is located adjacent to the Open Space Land Use Classification, as indicated by the green color on the map below. Therefore, if the rezoning request is approved, staff recommends updating the Land Use Map to reclassify this site to the Open Space Land Use Classification which includes golf courses.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Goal 2: Enhance the union of the built and natural environments to improve citizen health through the use of open space and recreational opportunities and Recommendation 2.3: Provide both passive and active recreational opportunities for County residents by protecting natural resources that have recreational, environmental, or aesthetic value.

### **MOORE COUNTY FUTURE LAND USE MAP**



## **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to **adopt or deny** the attached Land Use Plan Consistency Statement to authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341. As specified in the Land Use Plan Consistency Statement, a declaration of approval is also deemed an amendment to the Land Use Plan.

**Motion #2:** Make a motion to recommend **approval or denial** to the Moore County Board of Commissioners of the General Use Rezoning from Residential and Agricultural-20 (RA-20) & Residential and Agricultural-40 (RA-40) to Public and Conservation (PC) of two locations (approximate 6.55 acres zoned RA-40 and approximate 9.58 acres zoned RA-20 and RA-40) of an approximate 688.13 acre parcel, located adjacent to and east of Beulah Hill Church Road, adjacent to and north of NC Hwy 73, and adjacent to and west of Rubicon Road, West End.

## **ATTACHMENTS**

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Application
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Deed Book 4904 Page 237

**View of entrance of Dormie Club**

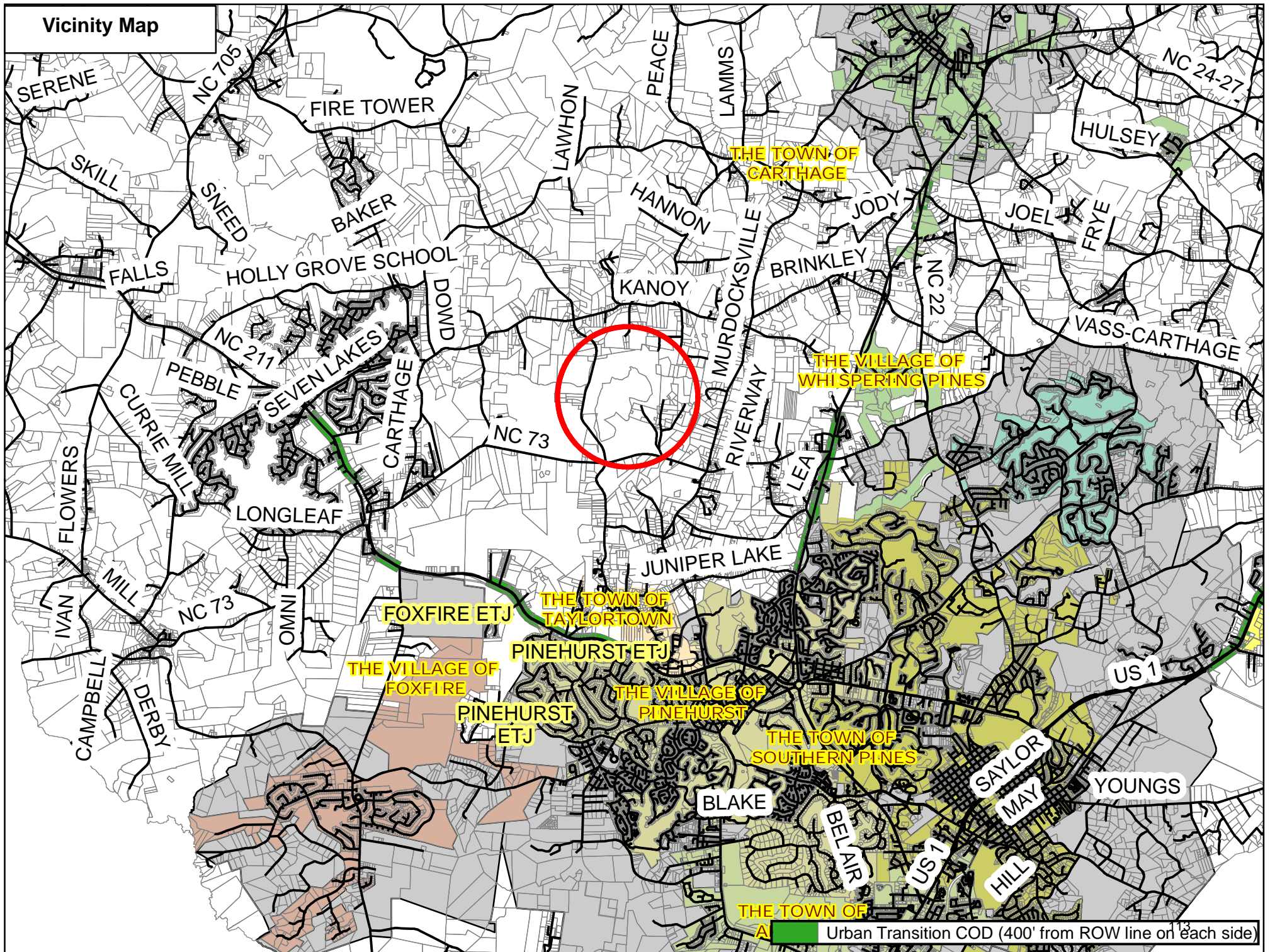


**View of Clubhouse**



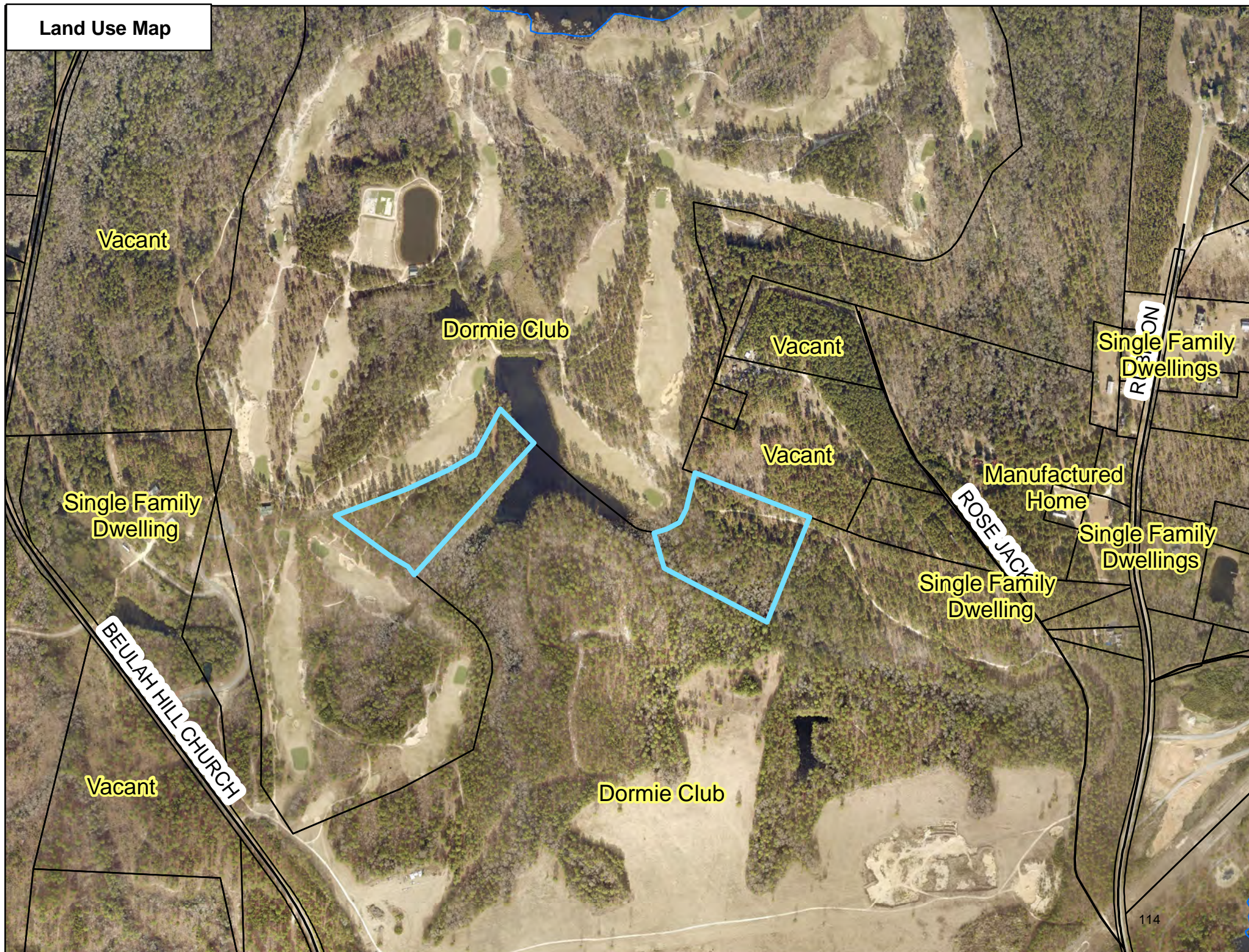


Vicinity Map





Land Use Map





Zoning Map

RA-40

P-C

Shaded areas requested  
to be rezoned to PC

RA-40

RA-20

ROSE JACK

RA-40

RA-2

RA-40

# County of Moore Planning and Transportation



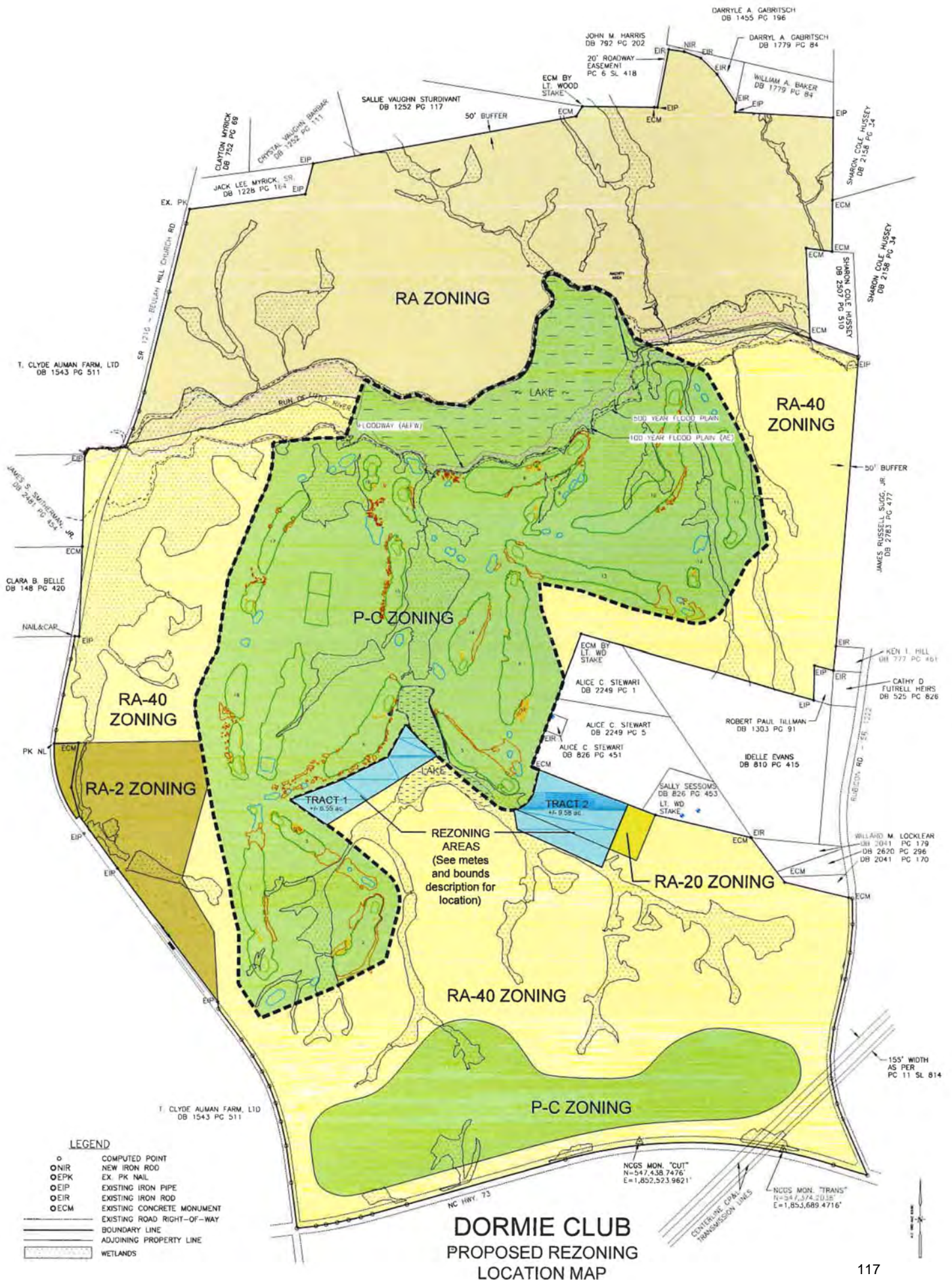
Inspections/Permitting: (910) 947-2221  
 Planning: (910) 947-5010  
 Transportation: (910) 947-3389  
 Fax: (910) 947-1303

## GENERAL USE REZONING APPLICATION

App# 27570

Application Date: 10/21/2019		PAR ID #00026293	
Location/Address of Property: 6033 Beulah Hill Church Rd, West End, NC			
Applicant: Koontz Jones Design, PLLC c/o Bob Koontz		Phone: 910-639-4058	
Applicant Address: 150 S Page Street	City: Southern Pines	St: NC	Zip: 28387
Owner: Hainoa, LLC c/o Chris Lee		Phone: 402-479-2130	
Owner Address: PO BOX 82545	City: Lincoln	St: NE	Zip: 68501
Current Zoning District: RA-40 and RA-20		Proposed Zoning District: P-C	
Comments: Rezoning is requested to expand the extents of the property zoned for the golf course area. <hr/> <hr/> <hr/> <hr/>			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator. <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;">                       Applicant/Owner Signature                 </div> <div style="width: 45%; text-align: right;">                     10/21/2019                      Date                 </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;">                     Applicant/Owner Signature                 </div> <div style="width: 45%; text-align: right;">                     Date                 </div> </div>			
Office Use Only: PAR ID: 00026293 <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;">                       Received By                 </div> <div style="width: 45%; text-align: right;">                     10/21/2019                      Date                 </div> </div>			







HAINOA, LLC  
ZONING TRACT 1

LOCATED ON A PORTION OF THE HAINOA, LLC TRACT (PID 20070893) DESCRIBED IN DEED BOOK 4904 PAGE 237 IN THE MOORE COUNTY REGISTER OF DEEDS OFFICE. LOCATED IN LITTLE RIVER TOWNSHIP, MOORE COUNTY, NORTH CAROLINA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT LIES N 83°24'01" W A DISTANCE OF 777.98' FOR AN EXISTING CONCRETE MONUMENT, SAID MONUMENT BEING THE SOUTHWEST CORNER OF THE ALICE COPELAND STEWART TRACT DESCRIBED IN DEED BOOK 2249 PAGE 5 IN THE MOORE COUNTY REGISTRY, SAID POINT ALSO BEING A CORNER OF THE HAINOA, LLC TRACT (PID 20070893) DESCRIBED IN DEED BOOK 4904 PAGE 231 IN THE MOORE COUNTY REGISTRY THENCE WITH THE HAINOA, LLC TRACT THE FOLLOWING CALLS; N 48°03'49" W A DISTANCE OF 214.45' TO A POINT; THENCE N 42°21'30" W A DISTANCE OF 148.24' TO A POINT; THENCE S 28°04'32" W A DISTANCE OF 300.37' TO A POINT; THENCE S 63°39'48" W A DISTANCE OF 412.44' TO A POINT; THENCE S 68°45'29" W A DISTANCE OF 455.02' TO A POINT; THENCE S 55°02'19" E A DISTANCE OF 169.37' TO A POINT; THENCE S 55°02'19" E A DISTANCE OF 194.17' TO A POINT; THENCE A NEW LINE N 57°37'50" E A DISTANCE OF 1061.51' TO THE POINT OF BEGINNING, HAVING AN AREA OF 6.55 ACRES.

HAINOA, LLC  
ZONING TRACT 2

LOCATED ON A PORTION OF THE HAINOA, LLC TRACT (PID 20070893) DESCRIBED IN DEED BOOK 4904 PAGE 237 IN THE MOORE COUNTY REGISTER OF DEEDS OFFICE. LOCATED IN LITTLE RIVER TOWNSHIP, MOORE COUNTY, NORTH CAROLINA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERN LINE OF THE ALICE COPELAND STEWART TRACT DESCRIBED IN DEED BOOK 2249 PAGE 5 IN THE MOORE COUNTY REGISTRY; SAID POINT LIES S 68°56'56" E A DISTANCE OF 69.83' FROM AN EXISTING CONCRETE MONUMENT, SAID CONCRETE MONUMENT BEING THE SOUTHWEST CORNER OF THE ALICE COPELAND STEWART TRACT AND ALSO BEING A CORNER OF THE HAINOA, LLC TRACT DESCRIBED IN DEED BOOK 4904 PAGE 231 IN THE MOORE COUNTY REGISTRY; THENCE LEAVING THE STEWART TRACT WITH THE HAINOA, LLC TRACT S 13°52'00" W A DISTANCE OF 189.13' TO A POINT ; THENCE A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00' A CHORD BEARING OF S 48°26'00" W A CHORD DISTANCE OF 214.41' TO A POINT; THENCE THE FOLLOWING NEW CALLS S 09°09'11" E A DISTANCE OF 164.02' TO A POINT; THENCE S 66°08'52" E A DISTANCE OF 757.45' TO A POINT; THENCE N 22°16'15" E A DISTANCE OF 556.93' TO A POINT IN THE STEWART SOUTHERN LINE; THENCE WITH THE STEWART SOUTHERN LINE N 68°56'56" W A DISTANCE OF 775.96' TO THE POINT OF BEGINNING, HAVING AN AREA OF 9.69 ACRES.

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Residential and Agricultural-20 (RA-20) & Residential and Agricultural-40**  
**(RA-40) to Public and Conservation (PC)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 2: Enhance the union of the built and natural environments to improve citizen health through the use of open space and recreational opportunities

- Goal 2.3: Provide both passive and active recreational opportunities for County residents by protecting natural resources that have recreational, environmental, or aesthetic value.

2. Approval of the rezoning request is also deemed an amendment to the Land Use Plan Future Land Use Map by reclassifying the site to the Open Space Land Use Classification.

3. Contributing factors in the rezoning approval is in response to the golf course expanding.

4. The rezoning request is reasonable and in the public interest considering the property is located adjacent to an existing golf course which provides recreational opportunities for the citizen of Moore County.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning from Residential and Agricultural-20 (RA-20) & Residential and Agricultural-40 (RA-40) to Public and Conservation (PC) of two locations (approximate 6.55 acres zoned RA-40 and approximate 9.58 acres zoned RA-20 and RA-40) of an approximate 688.13 acre parcel, located adjacent to and east of Beulah Hill Church Road, adjacent to and north of NC Hwy 73, and



adjacent to and west of Rubicon Road, West End, owned by Hainoa LLC, per Deed Book 4904 Page 237.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Residential and Agricultural-20 (RA-20) & Residential and Agricultural-40**  
**(RA-40) to Public and Conservation (PC)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 2: Enhance the union of the built and natural environments to improve citizen health through the use of open space and recreational opportunities

Goal 2.3: Provide both passive and active recreational opportunities for County residents by protecting natural resources that have recreational, environmental, or aesthetic value.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning from Residential and Agricultural-20 (RA-20) & Residential and Agricultural-40 (RA-40) to Public and Conservation (PC) of two locations (approximate 6.55 acres zoned RA-40 and approximate 9.58 acres zoned RA-20 and RA-40) of an approximate 688.13 acre parcel, located adjacent to and east of Beulah Hill Church Road, adjacent to and north of NC Hwy 73, and adjacent to and west of Rubicon Road, West End, owned by Hainoa LLC, per Deed Book 4904 Page 237.

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Joe Garrison, Chair  
Moore County Planning Board

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Date

FOR REGISTRATION REGISTER OF DEEDS

Judy D. Martin  
Moore County, NC

November 21, 2017 03:11:10 PM

Book 4904 Page 237-243

FEE: \$26.00

NC REVENUE STAMP: \$2,800.00

INSTRUMENT # 2017017148



INSTRUMENT # 2017017148

This Instrument Prepared By:

H. Craig Phifer, III

Clarke, Phifer, Vaughn, Brenner &amp; McNeill, PLLC

135 Applecross Road

Pinehurst, North Carolina 28374

LRK#00023880; LRK#00026293; LRK#20080014

LRK#20070893; &amp; LRK#20070894

**STATE OF NORTH CAROLINA  
COUNTY OF MOORE**
**GENERAL WARRANTY DEED**

THIS DEED, made this 23th day of October, 2017 by **Residences of Dormie, LLC**, a Florida limited liability company of 631 US Hwy 1, Ste. 101, North Palm Beach, FL 33408, **GRANTOR**, to Hainoa LLC, a Nebraska limited liability company; **GRANTEE**;

Tax Address: PO Box 82545, Lincoln, NE 68501

**WITNESSETH:**

That said Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract or parcel of land situate in Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

Please see Exhibit "A"

This conveyance is made subject to: Please see Exhibit "B"

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3327, Page 188, Book 3327, Page 195 and Book 3514, Page 297, Moore County Registry, Carthage, North Carolina.



All or a portion of the property herein conveyed [ ] includes or [ X] does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

\*\*\*The remainder of this page is intentionally left blank: Acknowledgments Follow\*\*\*

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Residences of Dormie, LLC, a Florida limited liability company



(SEAL)

By: Walter T. Krumm, III, Trustee, Member/Manager



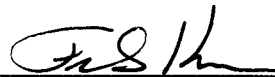
COUNTY OF Franklin

STATE OF Ohio

I certify that the following person(s) personally appeared before me this day and ☒ I have personal knowledge of the identity of the principal(s) or, ☐ have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a ☐ driver's license or ☐ \_\_\_\_\_, or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): Walter T. Krumm, III, Trustee, Member/Manager of Residences of Dormie, LLC a Florida limited liability company

Date: Nov 17, 2017

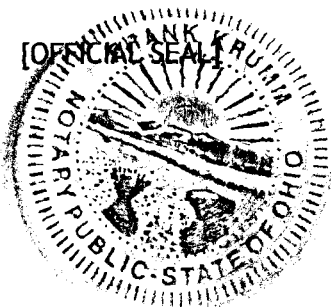


Notary Public

FRANK Krumm

Printed or typed name of Notary Public

My Commission Expires: 3-29-2022



IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Residences of Dormie, LLC, a Florida limited liability company

Robert L. Hansen (SEAL)  
By: Robert L. Hansen, Member/Manager

COUNTY OF Moore

STATE OF North Carolina

I certify that the following person(s) personally appeared before me this day and ☒ I have personal knowledge of the identity of the principal(s) or, \_\_\_\_\_ have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a [ ] driver's license or \_\_\_\_\_, or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

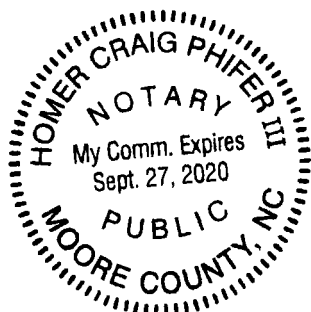
Name of Principal(s): **Robert L. Hansen, Member/Manager of Residences of Dormie, LLC a Florida limited liability company**

Date: 11/21/2017

[Signature]  
Notary Public

Homer Craig Phifer III  
Printed or typed name of Notary Public

[OFFICIAL SEAL]



My Commission Expires: 27 Sept. 2020

[Signature]



## Exhibit "A"

LYING AND BEING IN MINERAL SPRINGS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, ON THE EAST SIDE OF AND ADJOINING BEULAH HILL CHURCH ROAD (SR. 1210), ON THE NORTH SIDE OF AND ADJOINING NC HWY. 73 AND ON THE WEST SIDE OF AND ADJOINING RUBICON ROAD (SR. 1222) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE CENTERLINE INTERSECTION OF NC HWY. 73 AND BEULAH HILL CHURCH ROAD, THE SOUTHEAST CORNER OF THE LANDS CONVEYED BY DEED RECORDED IN DB 2946 PG 290 PARCEL 1, MOORE COUNTY REGISTRY, SAID PROPERTY ALSO BEING SHOWN ON THAT PLAT RECORDED IN PC 6 SLIDE 418, MOORE COUNTY REGISTRY AND RUNS THENCE AS THE CENTERLINE OF BEULAH HILL CHURCH ROAD N 07°19'37" W 373.44' TO A POINT IN SAID CENTERLINE; THENCE CONTINUING AS SAID CENTERLINE N 08°01'28" W 302.92' TO A POINT; THENCE N 12°35'31" W 201.17' TO A POINT; THENCE N 16°29'41" W 155.90' TO A POINT; THENCE N 20°32'05" W 147.34' TO A POINT; THENCE N 26°37'23" W 132.94' TO A POINT; THENCE N 31°29'42" W 149.42' TO A POINT; THENCE N 34°41'44" W 161.13' TO A POINT; THENCE N 36°43'11" W 309.76' TO A POINT IN THE CENTERLINE OF BEULAH HILL CHURCH ROAD; THENCE LEAVING SAID ROAD WITH THE LINES OF NELSON LOUIS NEIL N 05°53'38" W 58.07' TO AN EXISTING IRON PIPE; THENCE N 36° 56' 07" W 1360.02' TO A POINT; THENCE N 43° 34' 50" W 395.81' TO A POINT; THENCE N 15° 40' 32" W 127.41' TO AN EXISTING IRON PIPE; THENCE N 34° 50' 47" W 68.30' TO A POINT; THENCE N 30° 02' 01" W 84.41' TO A POINT; THENCE N 26° 11' 55" W 74.96' TO A POINT; THENCE N 22° 59' 41" W 83.37' TO A POINT; THENCE N 16° 57' 56" W 87.78' TO A POINT; THENCE N 08° 56' 26" W 78.01' TO A POINT; THENCE N 02° 27' 28" W 84.86' TO A POINT; THENCE N 03° 27' 47" E 98.68' TO A POINT; THENCE N 88° 20' 18" E 30.40' TO A PK NAIL IN THE CENTERLINE OF BEULAH HILL CHURCH ROAD; THENCE AS SAID CENTERLINE N 07°36'33" E 110.28' TO A POINT; THENCE N 11°02'58" E 300.08' TO A POINT; THENCE N 11°10'36" E 300.23' TO A POINT; THENCE N 11°06'52" E 187.49' TO A NAIL AND CAP IN SAID CENTERLINE; THENCE LEAVING THE CENTERLINE S 87°56'20" E 35.11' TO AN EXISTING IRON PIPE; THENCE CROSSING BEULAH HILL CHURCH ROAD WITH THE EAST LINE OF CLARA B. BELLE N 01°42'28" E 745.60' TO AN EXISTING CONCRETE MONUMENT, BELLE'S NORTHEAST CORNER; THENCE WITH THE WEST LINE OF JAMES S. SMITHERMAN, JR. N 01°28'24" E 764.14' TO AN EXISTING IRON PIPE ON THE BANK OF LITTLE RIVER; THENCE N 01°28'24" E 15.28' TO THE CENTER OF LITTLE RIVER; THENCE AS THE CENTER OF THE RUN OF LITTLE RIVER THE PROPERTY LINE, TO THE CENTER OF BEULAH HILL CHURCH ROAD WITH APPROXIMATELY THE FOLLOWING CALLS: N 42°19'50" E 37.01', N 88°31'53" E 175.45', N 84°10'27" E 131.79' TO A POINT IN THE CENTERLINE INTERSECTION OF THE RUN OF LITTLE RIVER AND BEULAH HILL CHURCH ROAD; THENCE AS THE CENTERLINE OF BEULAH HILL CHURCH ROAD N 22°16'01" E 157.77' TO A POINT; THENCE N 18°53'34" E 152.08' TO A POINT; THENCE N 15°28'49" E 159.37' TO A POINT; THENCE N 13°37'36" E 853.53' TO A POINT; THENCE N 13°47'19" E 577.77' TO A POINT; THENCE N 13°53'58" E 121.72' TO AN EXISTING PK NAIL, A SOUTHWEST CORNER OF JACK LEE MYRICK, SR.; THENCE AS HIS LINES N 82°42'03" E 945.00' TO AN EXISTING IRON PIPE, HIS SOUTHEAST CORNER; THENCE N 14°13'36" E 262.59' TO AN EXISTING IRON PIPE, HIS NORTHEAST CORNER; THENCE AS THE SOUTH LINES OF CRYSTAL VAUGHN BARBAR AND SALLIE VAUGHN STURDIVANT N 80°03'20" E 2181.75' TO AN EXISTING CONCRETE MONUMENT; THENCE N 31°03'02" E 94.51' TO AN EXISTING CONCRETE MONUMENT BY A LIGHT WOOD STAKE, A CORNER OF JOHN M. HARRIS; THENCE AS HIS SOUTH AND EAST LINES S 89°03'46" E 588.68' TO AN EXISTING CONCRETE MONUMENT; THENCE S 89°02'00" E 25.24' TO AN EXISTING IRON PIPE; THENCE N 10°59'31" E 481.92' TO AN EXISTING IRON ROD; THENCE AS THE SOUTH LINES OF DARRYL A. GABRITSCH S 81°S1'45" E 127.36' TO A NEW IRON ROD; THENCE S 68°26'26" E 14S.77' TO AN EXISTING IRON ROD; THENCE S 44°23'11" E 186.90' TO AN EXISTING IRON ROD; THENCE S 33°02'04" E 279.81' TO AN EXISTING IRON ROD, A CORNER OF WILLIAM A. BAKER; THENCE AS BAKER'S WEST AND SOUTH LINES S 03°42'25" W 7S.72' TO AN EXISTING IRON PIPE; THENCE S 86°20'58" E 795.26' TO AN EXISTING IRON PIPE, BAKER'S SOUTHEAST CORNER AND THE LINE OF SHARON COLE HUSSEY; THENCE AS HUSSEY'S WEST LINES S 00°26'26" W 677.62' TO AN EXISTING CONCRETE MONUMENT; THENCE S 00°27'02" W 419.86' TO AN EXISTING CONCRETE MONUMENT; THENCE N 82°31'42" W 211.74' TO AN EXISTING CONCRETE MONUMENT; THENCE S 02°23'11" E 737.62' TO AN EXISTING CONCRETE MONUMENT ON THE BANK OF LITTLE RIVER; THENCE S 02°23'11" E 10.58' TO THE CENTER OF THE RUN OF LITTLE RIVER; THENCE AS THE CENTER OF THE RUN OF LITTLE RIVER, BEING THE PROPERTY LINE AT AN APPROXIMATE BEARING AND DISTANCE OF S 69°S6'20" E 417.80' TO A POINT IN SAID CENTERLINE; THENCE AS THE WEST LINE OF JAMES RUSSELL SUGG, JR. S 04°20'39" W 21.70' TO AN EXISTING IRON PIPE ON THE BANK OF LITTLE RIVER; THENCE S 04°20'39" W 2351.46' TO AN EXISTING IRON ROD, A CORNER OF KEN T. HILL; THENCE AS HIS WEST LINE S 04°37'58" W 199.23' TO AN EXISTING IRON ROD, HIS SOUTHEAST CORNER; THENCE AS THE NORTH AND WEST LINE OF ROBERT PAUL TILLMAN N 75°00'33" W 159.85' TO AN EXISTING IRON PIPE; THENCE S 01°S3'20" W 279.7S' TO AN EXISTING IRON PIPE, A CORNER OF IDELLE EVANS; THENCE AS HER NORTH LINE AND THE NORTH LINE OF ALICE C. STEWART N 74°09'27" W 1967.12' TO AN EXISTING CONCRETE MONUMENT BY A LIGHT WOOD STAKE; THENCE AS THE WEST LINES OF ALICE C. STEWART S 20°10'53" W 843.44' TO AN EXISTING IRON ROD; THENCE S 20°10'35" W 317.90' TO AN EXISTING CONCRETE MONUMENT; THENCE AS THE SOUTH LINES OF ALICE C. STEWART AND SALLY SESSOMS S 68°56'56" E 1085.21' TO A LIGHT WOOD STAKE; THENCE S 76°41'56" E 797.32' TO AN EXISTING CONCRETE MONUMENT, THE NORTHWEST CORNER OF WILLARD M. LOCKLEAR; THENCE AS HIS WEST AND SOUTH LINES S 37°11'36" E 457.20' TO AN EXISTING CONCRETE

MONUMENT; THENCE S 76°40' 54" E 534.34' TO AN EXISTING CONCRETE MONUMENT; THENCE S 76°40'54" E 30.12' TO A POINT IN THE CENTERLINE OF RUBICON ROAD, LOCKLEAR'S SOUTHEAST CORNER; THENCE AS THE CENTERLINE OF RUBICON ROAD S 01°00'20" E 213.52' TO A POINT; THENCE S 04°39'55,, W 231.44' TO A POINT; THENCE S 09°33'40" W 219.90' TO A POINT; THENCE S 13°18'07" W 412.02' TO A POINT; THENCE S 06°41'27" W 229.40' TO A POINT; THENCE S 02°59' 17" E 180.17' TO A POINT; THENCE S 13°02'32" E 211.88' TO A POINT; THENCE S 20°56'06" E 130.09' TO A POINT; THENCE S 23°40'29" E 505.24' TO A POINT AT THE CENTERLINE INTERSECTION OF NC HWY. 73 AND RUBICON ROAD; THENCE AS THE CENTERLINE OF NC HWY. 73 N 72°44'55" W 289.42' TO A POINT; THENCE CONTINUING AS SAID CENTERLINE, A CURVE COUNTERCLOCKWISE TO THE WEST HAVING A RADIUS OF 3819.83', AN ARC LENGTH OF 2210.68' AND A CHORD BEARING AND DISTANCE OF N 88°58'47" W 2179.96' TO A POINT IN SAID CENTERLINE; THENCE S 74°07'00" W 1345.83' TO A POINT; THENCE S 74°28'20" W 292.66' TO A POINT; THENCE S 75°15'05" W 97.81' TO A POINT; THENCE S 76°41'24" W 101.58' TO A POINT; THENCE S 78°02'52" W 96.07' TO A POINT; THENCE S 79°34'24" W 91.80' TO A POINT; THENCE S 80°36'16" W 82.74' TO A POINT; THENCE S 82°55'46" W 156.17' TO THE BEGINNING, CONTAINING 997.44 ACRES, EXCEPTING HOWEVER, 309.31 ACRES (GOLF COURSE BOUNDARY) AND DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING CONCRETE MONUMENT, THE SOUTHWEST CORNER OF THE LANDS CONVEYED TO ALICE C. STEWART BY DEED RECORDED IN DEED BOOK 2249 PAGE 5, ALSO BEING A CORNER OF THE PROPERTY CONVEYED TO MARK E. BRENNER BY DEED RECORDED IN DEED BOOK 2946 PAGE 290 AND RUNS THENCE AS THE SOUTH LINE OF ALICE C. STEWART S 68°56'56" E 69.83' TO A POINT IN SAID SOUTH LINE; THENCE AS THE FOLLOWING COURSES AND DISTANCES: S 13°52'00" W 189.13', A CURVE RUNNING CLOCKWISE TO THE SOUTHWEST HAVING A RADIUS OF 200.00', AN ARC LENGTH OF 375.94' AND A CHORD BEARING AND DISTANCE OF S 69°52'11" W 322.99', N 51°32'29" W 372.91', N 48°03'49" W 479.82', N 42°21'30" W 148.24', S 28°04'32" W 300.37', S 63°39'48" W 412.44', S 68°45'29" W 455.02', S 55°02'19" E 472.45', S 50°13'55" E 524.17', A CURVE RUNNING CLOCKWISE TO THE SOUTH HAVING A RADIUS OF 361.64', AN ARC LENGTH OF 300.30', AND A CHORD BEARING AND DISTANCE OF S 20°11'26" E 291.75', S 13°46' 15" W 448.24', S 61°49'42" W 470.64', S 67°17'09" W 654.12', N 33°11'05" W 331.29', N 00°22'39" E 414.48', N 13°30'31" W 243.18', N 08°15'09" W 243.97', N 13°39'21" W 496.53', N 10°16'08" W 266.02' TO A POINT IN THE EASTERN LINE OF THE LANDS CONVEYED TO MHK VENTURES, INC. BY DEED RECORDED IN DEED BOOK 3201 PAGE 392; THENCE AS SAID EASTERN LINE N 13°30'16" E 380.73' TO A MASONRY NAIL IN A TERRA COTTA PIPE; THENCE S 88°39'59" W 154.08' TO A POINT IN THE NORTH LINE OF SAID MHK VENTURES TRACT; THENCE CONTINUING AS THE FOLLOWING COURSES AND DISTANCES: N 09°55'34" W 262.34', N 05°39'25" E 111.67', N 23°05'45" E 276.83', N 29°10' 57" E 135.42', N 07°26'59" E 350.96', N 08°17'45" E 248.27', N 22°17'05" E 542.95', N 21°08'03" E 118.39', A CURVE RUNNING COUNTERCLOCKWISE TO THE NORTH HAVING A RADIUS OF 695.00', AN ARC LENGTH OF 511.55' AND A CHORD BEARING AND DISTANCE OF N 10°05'33" E 500.08' TO A POINT NEAR THE RUN OF LITTLE RIVER; THENCE N 84°21'39" E 404.97' TO A POINT; THENCE N 89°49'53" E 212.84' TO A POINT; THENCE CROSSING LITTLE RIVER AND A LAKE N 17°56'20" E 503.68' TO A POINT ON THE NORTH SIDE OF THE LAKE; THENCE ALONG THE NORTH SIDE OF THE LAKE, THE FOLLOWING COURSE AND DISTANCES: S 62°15'38" E 338.55', N 71°49'18" E 124.75', S 64°05'57" E 167.96', S 83°35'52" E 265.71', N 49°46'07" E 196.91', N 65°54'54" E 352.65', N 22°55'14" E 199.82', N 06°14'49" E 272.51', N 50°53'08" E 160.08', N 00°00'00" E 84.65', N 34°01'44" W 141.30', N 38°32'22" E 88.39', S 68°58'40" E 117.99', S 54°59'24" E 167.23', N 79°22'10" E 112.94', S 62°29'56" E 189.44', S 25°42'22" E 371.12' TO A POINT NEAR THE NORTHEAST END OF THE LAKE; THENCE CROSSING LITTLE RIVER S 64°48'28" E 613.20' TO A POINT; THENCE CONTINUING AS THE FOLLOWING COURSES AND DISTANCES: A CURVE RUNNING CLOCKWISE TO THE SOUTHEAST HAVING A RADIUS OF 149.12', AN ARC LENGTH OF 75.63' AND A CHORD BEARING AND DISTANCE OF S 44°32'28" E 74.82', S 29°14'13" E 499.44', S 23°40'05" E 370.45', S 08°32'40" E 608.18', S 47°59'54" W 222.57', S 26°45'04" W 401.77', A CURVE RUNNING CLOCKWISE TO THE SOUTHWEST HAVING A RADIUS OF 255.95', AN ARC LENGTH OF 362.96', AND A CHORD BEARING AND DISTANCE OF S 67°03'14' W 333.31', N 76°13'57" W 482.18', N 70°29'31" W 421.61', N 79°32'32" W 344.59', S 04°33'40" E 212.27', S 18°10'30" E 534.23', S 10°57'13" W 269.16' TO A POINT IN THE WESTERN LINE OF THE LANDS CONVEYED TO ALICE C. STEWART BY DEED RECORDED IN DEED BOOK 2249 PAGE 5; THENCE AS SAID WESTERN LINE S 20°10'53" W 240.29' TO AN EXISTING IRON ROD; THENCE CONTINUING AS SAID WESTERN LINE S 20°10'35" W 317.90' TO THE BEGINNING, CONTAINING 309.31 ACRES.

Exhibit "B"

All exceptions which are listed on Title Binder Commitment No. 201702760ASL and will be listed as such on the Final Title Policy based on the Title Binder.